



REGULATION CONCERNING DISPENSARIES AND DISPENSARY LICENCES

This Regulation was enacted by the Kahnawà:ke Cannabis Control Board
on _____
pursuant to sections 20.1, 21.1, 22.1 and 23.1
of the *Kahnawà:ke Cannabis Control Law*

DEFINITIONS

1. The definitions provided in the *Kahnawà:ke Cannabis Control Law* have the same meaning in this Regulation.
2. For the purposes of this Regulation:

"advertising" means the use of media to communicate a message to an audience through words, audio and/or visuals. It is communicated through various mass media, including but not limited to:

- a. traditional media such as television, radio, newspapers, magazines, outdoor advertising, flyers, billboards, transit shelters, inflatables, commercial and corporate vehicles, or direct mail; and
- b. new media, including but not limited to digital and social media advertising, organic social media posts on newsfeeds and/or profiles, email, search results, blogs, websites, or short message service (SMS);

"applicant" means any person that has applied for a Dispensary Licence under this Regulation;

"application" means an application submitted to the Board for a Dispensary Licence under this Regulation;

"application process" includes the pre-qualification process;

"approved cannabis accessory" means all cannabis accessories that comply with the *Cannabis Act*, until such time as Kahnawà:ke has the capacity and standards to regulate accessories;

“approved cannabis products” means all cannabis products that are cultivated and or processed pursuant to the *Cannabis Act*, until such time as Kahnawà:ke has a capacity and standards to regulate the safe cultivation and processing of products;

“Board” means the Kahnawà:ke Cannabis Control Board;

“close personal relationship” means an ongoing romantic or intimate personal relationship that can include, but is not limited to, dating, living together or being a partner or significant other as well as immediate familial relationships, whether by blood, marriage or adoption;

“consumer” means an individual of the prescribed legal age that purchases cannabis for personal use;

“dispensary” means a standalone commercial facility, or any physically connected premises which also holds a KCCB cultivation or processing licence, located within the Territory that is operated by the holder of a Kahnawà:ke Dispensary Licence;

“Kahnawà:ke”, “Mohawk Territory of Kahnawà:ke” or “Territory” means:

- a. the lands presently under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke, including the lands referred to by the government of Canada as “Kahnawà:ke Indian Reserve No. 14”;
- b. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke through the negotiation and resolution of land grievances;
- c. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke as a result of any other means;
- d. lands, which are returned to, Kahnawà:ke as lands within the meaning of subsection 91(24) of the Constitution Act, 1867;
- e. the water and waterways under the control and jurisdiction of the Kanien’kehá:ka of Kahnawà:ke; and
- f. lands that Kahnawà:ke has not relinquished or ceded;

“Law” means the Kahnawà:ke Cannabis Control Law;

“licence” means a Dispensary Licence issued by the Board;

“licence holder” means the holder of a valid Dispensary Licence;

“person” includes an individual, corporation, partnership, limited liability company and any other business entity recognized under the laws applicable within the Territory;

“prescribed legal age” means the full age of twenty-one (21) years, or such other age as is provided in the regulations;

DISPENSARY LICENCES

2. Subject to the Law and its Regulations, a person that satisfies the eligibility criteria in section 16.16 of the Law is eligible to apply to the Board for a Dispensary Licence.
3. The Board will issue a maximum of three (3) Dispensary Licences.
4. The Board will review the maximum number of Dispensary Licences on a regular basis, at least annually, and after consulting with the Council and other interested parties, may amend the maximum number set out in section 4 as is appropriate.
5. Notwithstanding any provision of this Regulation, the Board acknowledges the Mohawk Council of Kahnawà:ke considers the number of Dispensary Licenses issued by the Board to be a public policy matter and will follow any guidance on this matter that Council may provide to the Board from time to time.
6. Prior to issuing a Dispensary Licence, the Board may consult with and receive guidance from, the Health and Safety Committee.
7. When the maximum number of Dispensary Licences set out in section 4 have been issued, the Board will not receive any further applications for Dispensary Licences.
8. When a Dispensary Licence is revoked or voluntarily terminated for any reason, the Board may, in its sole discretion, receive additional applications for a Dispensary Licence to replace the Dispensary Licence that was revoked or terminated in accordance with the procedures set out in this Regulation.

COSTS INCURRED BY THE BOARD

9. All applicants are responsible to the Board for all costs incurred by the Board related to the processing of an application. In the event these costs exceed the amount of the application deposit provided in **Schedule “F” and Schedule “I”**, the Board will notify the applicant in writing to provide a supplementary payment in such amount as the Board may determine. In the event the Board does not receive payment of the supplementary payment within ten (10) days of the date of the Board's notice to the applicant, processing of the application will be suspended until the supplementary payment is received or, if a licence has already been granted, the licence may be suspended or revoked. In the event the Board's costs are less than the amount of an application deposit, the balance will be

refunded to the applicant.

FORM OF LICENCE

10. A licence will be in the form prescribed by the Board and may, in addition to any other matter which the Board deems to be appropriate, specify:
 - a. the category of licence;
 - b. the name, address, telephone number, fax number and email address of the licence holder;
 - c. address and physical coordinates of the premises at which business activities are proposed to be conducted: (for example: Lot/Block numbers or GPS coordinates and Google Earth screenshot or aerial photograph of the premises);
 - d. commencement and termination dates of the licence;
 - e. any other terms and conditions that the Board in its sole discretion considers necessary or desirable;
 - f. a clause stating that the Board and its members, employees and agents are not liable for any damages, losses, costs or liabilities incurred by a licence holder; and
 - g. a clause stating that the licence holder has agreed to indemnify the Board against any claims, demands or actions and any resulting damages, awards or costs (including legal costs) brought by any third party against the Board in relation to the acts or omissions of a licence holder.
11. A licence issued by the Board under this Regulation may be amended, suspended or revoked for any breach of the Law, this Regulation, the terms and conditions of the licence or any direction issued by the Board, and is not valid unless and until all prescribed fees and contributions have been paid in full.

LOCATION OF DISPENSARIES

12. The Board may, at any stage of the application process, refuse a preliminary eligibility form or an application, suspend or revoke an existing licence or amend these Regulations to increase or decrease the maximum number of licences when:
 - a. the location or proposed location of a dispensary is likely to disturb or endanger, or is disturbing or endangering, the community of Kahnawà:ke;
 - b. the location is in close proximity to a public facility or institution within Kahnawà:ke, including but not limited to, a school, daycare, playground, church, park, hospital or other

facility or institution identified by the Board;

- c. the location is in a heavily populated residential area,
 - d. a serious safety concerns exists which cannot be reasonably remedied, or
 - e. at any given time, the Board is convinced that, given the number of existing licences, the issuance of another licence would be detrimental to peace, order or security within the Territory.
13. For the purposes of this Regulation, “close proximity” means within 300 metres, or such other distance as the Board may determine is appropriate, based on the circumstances of any given case.

PRELIMINARY ELIGIBILITY PROCESS

14. A person who wishes to apply for a Dispensary Licence must first be deemed eligible by the Board.
15. In determining the eligibility of an applicant, the Board will verify the criteria in section 16.16 of the Law and assess if the proposed location respects the conditions of the Law and regulations.
16. In order to be deemed eligible by the Board, a person must complete Schedule H and pay the required non-refundable fee, by or on the deadline established by the Board.
17. In the case of an application for a business, in addition to the requirements in sections 16 and 17, they must provide business entity information, in the form set out in Schedule “G” and personal information, in the form attached as Schedule “H” to this Regulation, for an individual applicant and for each director and shareholder with ten percent (10%) or more ownership of or controlling interest in a corporate applicant.
18. The Board will fix the time period during which preliminary eligibility forms will be received by the Board. Preliminary eligibility forms received before or after this time period will not be considered by the Board.
19. After the time period referred to in section 19 has elapsed, the Board will review the preliminary eligibility forms that have been received during the time period and will decide which preliminary eligibility forms have satisfied all of the requirements of sections 16 and 18.
20. The Board may reject preliminary eligibility forms if more than one form is submitted by:
- a. the same person or group of persons; or

- b. a person or group of persons who have a close personal or business relationship with another person or group of persons who have also submitted a preliminary eligibility form.
21. The Board will decide, based on available information, whether a close personal or business relationship exists for the purposes of section 21(b).
22. To assist in reaching a decision under section 20, the Board may request the person or persons that submitted a preliminary eligibility form to provide additional information.
23. If the additional information requested under section 23 is not provided, the Board may reject the preliminary eligibility form.
24. The Board will provide written notice to every person that has submitted a preliminary eligibility form advising the person whether their preliminary eligibility form has been approved or not approved.
25. If a preliminary eligibility form is not approved, the Board must provide reasons for its decision.

PUBLIC POSTING OF ELIGIBLE APPLICATIONS

26. The Board will publish a notice on its website and in Kahnawà:ke media advising the Community of Kahnawà:ke of all eligible applications.
27. The notice referred to in section 27 will provide a fourteen (14) day period during which Kanien'kehá:ka of Kahnawà:ke or Approved Kahnawà:ke Residents may make written submissions to the Board raising any questions or concerns about the eligible applications.
28. The Board will consider all submissions made in accordance with section 28 when deciding whether to grant an application for a Dispensary Licence.

APPLICATION FOR A DISPENSARY LICENCE

29. Following the fourteen day period in section 28, the Board will announce the fixed period it will be receiving applications for Dispensary Licences.
30. Only those persons who have received the written approval of their preliminary eligibility by the Board may apply for a Dispensary Licence.
31. Those applying for a Dispensary Licence must fully complete the application forms and pay the fees required by this Regulation, prior to the deadline for applications.
32. In reviewing applications the Board must complete:

- a. due diligence investigations on the applicant, proposed investors and any other persons or entities identified by the Board;
 - b. a detailed review of the proposed location of the building, floor plan and parking areas, as described in the application;
 - c. a review of the detailed description of all physical and computer security systems to be implemented in the proposed operation;
 - d. a review of the detailed business plan;
 - e. a consultation with residents in close proximity to any proposed dispensary; and
 - f. any other matters necessary to the Board in making its decision.
33. For the purposes of this Regulation, “close proximity” means within 300 metres, or such other distance as the Board may determine is appropriate, based on the circumstances of any given case.
 34. The Board may contact the applicant in writing for additional information regarding any of the criteria in section 33.
 35. If the information in section 35 has not been received by the deadline established in the written notice, the Board may reject the application.
 36. The Board will provide written notice to every person that has submitted an application advising the person whether their application has been conditionally approved or not approved.
 37. If an application is not approved, the Board must provide reasons for its decision.
 38. Applicants who have not been approved may request a review from the Administrative Tribunal of Kahnawake within fifteen (15) days of receipt of the decision.
 39. If the Board is satisfied that the applicant, the applicant’s facility (including floor plan and parking area), equipment and related systems within the facility and any related matters are in full compliance with the requirements of the Law and this Regulation and it is satisfied that there are no other outstanding matters that must be addressed, the Board may conditionally approve the application.
 40. If the application is conditionally approved, the Board will indicate in writing to the applicants the deadline for them to provide proof of adequate insurance coverage for the applicant’s dispensary and for persons within the facility and any additional information and documentation that the Board may request.

41. If an applicant can show that insurance coverage is unattainable, the Board may waive this requirement.
42. If the Board waives the insurance requirement under section 40, the Board and Mohawk Council of Kahnawà:ke assume no responsibility for any damages or risks in operating the dispensary without insurance.
43. Following receipt of the documents and information in section 40, the Board will ensure that the applicant's facility, floor plan and parking areas are safe and secure.
44. Any costs associated with reviewing the safety and security will be borne by the applicant.
45. If a lottery is held, those who are not chosen will be refunded any costs incurred under section 44.
46. If there are more conditional applications that meet the requirements of sections 32 and 40 than Dispensary Licences being issued, the Board will determine the time, place and method used to randomly select the application(s) to fill the number of Dispensary Licences that are available.
47. The Board must publicly announce the time, location and method of the lottery to the community of Kahnawà:ke.
48. Following the lottery, the selected applications will be those granted a Dispensary Licence for a maximum term of five years.

DUE DILIGENCE INVESTIGATIONS

49. The Board, or such person as the Board may appoint as an Approved Agent for the purpose, will conduct a thorough due diligence investigation to determine an applicant's suitability to hold a licence.
50. The Board, or such person as the Board may appoint as an approved Agent for the purpose, may at any time after a licence has been granted, investigate a licence holder if the Board reasonably suspects the licence holder is not, or is no longer, suitable to hold a licence.
51. For the purpose of investigating an applicant or licence holder the Board may by written notice direct the applicant or licence holder to provide the Board such information or documentation the Board considers relevant to the investigation, and the applicant or licence holder must comply with the direction.
52. The Board may consider an applicant suitable to hold a licence, if the applicant satisfies the Board that:
 - a. in the case of an individual, the applicant is a person of good character, honesty and integrity; taking into consideration any matter the Board considers relevant, including but not

limited to the following:

- i. personal, professional and business associations;
 - ii. history of criminal convictions;
 - iii. history of civil litigation;
 - iv. credit history or bankruptcies;
 - v. personal and professional references;
 - vi. education, training and work history; and
- b. in the case of a corporation, the applicant has:
- i. a good business reputation, sound current financial position and financial background;
 - ii. arranged a satisfactory ownership and corporate structure;
 - iii. the appropriate resources, services, skills and technical ability to conduct the operations authorized by its licence;
 - iv. each director, shareholder with ten percent (10%) or more ownership of or controlling interest in the corporation and key person, is a suitable individual; and
- c. any other matter prescribed under this Regulation, under a law applicable within the Territory or which the Board otherwise deems appropriate.

DISPENSARY LICENCE GRANTED

53. When an application for a Dispensary Licence is granted, the Board will notify in writing:
- a. the applicant;
 - b. the community of Kahnawà:ke, by publication in local media;
 - c. the Mohawk Council of Kahnawà:ke;
 - d. the Health and Safety Committee;
 - e. the Kahnawà:ke Peacekeepers; and
 - f. such other interested parties as the Board deems appropriate.

TRANSFER OF LICENCES

54. A licence may not be sold, transferred or assigned except with the prior written approval of the Board.

DISPENSARIES

55. Before a dispensary can be opened to the public, the Board must approve its design, size, layout and fixturing.
56. The Board must approve any modifications to the design, size, layout and fixturing of a dispensary.
57. Subject to the provisions of the Law, the Regulations and the direction of the Board, the holder of a valid Dispensary Licence may sell approved cannabis products and approved cannabis accessories, from a dispensary to a consumer.
58. Licence holders must take reasonable measures, satisfactory to the Board, to ensure that approved cannabis products and approved cannabis accessories are not sold to an individual who is under the prescribed legal age, including but not limited to, verifying the age of individuals before they are allowed to enter a dispensary.
59. A dispensary must not sell cannabis to a person:
- a. whose behaviour is clearly altered by drugs or alcohol;
 - b. when it knows the person is purchasing cannabis for another person whose behaviour is clearly altered by drugs or alcohol; or
 - c. who is of the prescribed legal age if the dispensary staff knows, or should know, the person is purchasing cannabis for a person under the prescribed legal age.

DAYS AND HOURS OF OPERATION

60. A dispensary may be open to the public only during the following days and hours:
- a. Weekdays (Monday, Tuesday, Wednesday, Thursday and Friday) from 8:00am until 9:00pm; and
 - b. Weekends (Saturday and Sunday) from 8:00am to 5:00pm.

MAXIMUM AMOUNT OF INDIVIDUAL SALES

61. A dispensary may not sell to an individual consumer more than thirty (30) grams of dried cannabis (or its equivalent in other formats) per transaction.

APPROVED CANNABIS PRODUCTS

62. A Dispensary Licence holder must obtain all approved cannabis products to be sold in a dispensary in accordance with the process and rules established by the Procurement Entity.
63. A Dispensary Licence holder must charge and collect the non-Onkwehón:we royalty on all sales of cannabis products to consumers unless the consumer produces at least one (1) of the following forms of identification (“accepted identification”):
 - a. a valid card or other documentation issued by a recognized First Nation or Tribal governmental entity;
 - b. a valid “Indian status card” issued by Indigenous Services Canada;
 - c. a valid “tribal ID card” issued by a tribal or government authority in the United States.
64. If requested to do so, the Board will provide guidance to a Dispensary Licence holder as to whether the particular form of identification produced by a consumer can be considered accepted identification.
65. If a consumer produces a form of accepted identification, the Dispensary Licence holder will:
 - a. not charge the consumer the non-Onkwehón:we royalty;
 - b. record the following information, in a form or system prescribed by the Board:
 - i. the amount of the sale;
 - ii. the name of the consumer; and
 - iii. the type of accepted identification produced by the consumer.
66. A Dispensary Licence holder must, on a monthly basis, in a form prescribed by the Board, remit the amount of non-Onkwehón:we royalties
67. The net amount of non-Onkwehón:we royalties collected by the Distribution Licence holder, will be remitted to the Mohawk Council of Kahnawà:ke for deposit into a Kahnawà:ke Social and Economic Development Fund.

PRODUCTS SOLD AT DISPENSARIES

68. Only approved cannabis products and approved cannabis

accessories may be sold in a dispensary.

69. A dispensary, must not sell any other products, including but not limited to tobacco, alcohol, food, fireworks, firearms or edible or non-edible products of any kind.

ADVERTISING

70. Licence holders and their representatives are permitted to advertise approved cannabis products and approved cannabis accessories to persons who are of the prescribed legal age or older, subject to following conditions:
- a. advertisements are only permitted in licenced cannabis dispensaries; and
 - b. advertisements must not be audible or visible from outside a place where persons under the prescribed legal age years are prohibited from entering.
71. Advertising cannot:
- a. be false, misleading or deceptive; or
 - b. give an erroneous impression or exaggeration about the characteristics of cannabis products (strength, purity, safety, health effects).
72. The following is prohibited in the advertising of approved cannabis products and approved cannabis accessories:
- a. prices;
 - b. advertising that may appeal to persons under the prescribed legal age;
 - c. using words or images that reference Kanien'kehá:ka or Onkwehón:we culture, language or traditions;
 - d. using testimonials or endorsements;
 - e. associating cannabis with an alcoholic beverage or tobacco product;
 - f. creating the impression health and cosmetic benefits may be derived from cannabis;
 - g. energy value and amount of nutrients beyond the information that is required to be included on the label of any container in which edible cannabis is packaged;
 - h. create the impression that cannabis edibles are intended to meet the particular dietary requirements of an individual;
 - i. depiction of a person, character or animal, whether real or fictional;

- j. claims of positive or negative impact as a result of usage (glamorous, vitality, recreation, etc.);
 - k. showing the consumption of cannabis;
 - l. encouraging non-cannabis users to consume cannabis; and
 - m. promoting irresponsible cannabis consumption or service.
73. Licence holders are permitted to advertise the price of approved cannabis products and approved cannabis accessories inside a dispensary and on their website.
74. Advertising which promotes the responsible and safe consumption of cannabis is recommended and supported by Board.
75. Advertising not specifically addressed in the foregoing sections requires the prior approval of the Board.
76. The Board will, in its sole discretion, determine whether an advertisement or form of marketing contravenes any of the requirements of the Law or this Regulation.
77. If the Board determines that an advertisement or form of marketing does not comply with the Law or this Regulation, the Board may direct the licence holder or person responsible for authorizing the advertisement or form of marketing to take the appropriate steps to stop or to change the advertisement or form of marketing.
78. The direction must:
- a. be in writing;
 - b. state the grounds for the direction; and
 - c. if it is a direction to change the advertisement or form of marketing, state how the advertisement or form of marketing is to be changed;
- and the person to whom a direction is given must comply with the direction.

EMPLOYEES

79. Licence holders must exercise oversight of their retail operations at all times.
80. Licence holders must ensure that all employees act in accordance with the Law and demonstrate honesty and integrity.
81. The Board will conduct criminal background checks on all individuals who are proposed to be employed in a dispensary at the expense of the Dispensary Licence holder.
82. If the individual has a criminal conviction, the Board will determine, based on the responsibilities of the position, the type of conviction, the date of the conviction and any other relevant factors, if the

individual can be employed.

83. Licence holders must ensure that all employees understand their obligations with respect to all applicable Kahnawà:ke laws, regulations, standards, and policies.
84. All employers must contribute to Mohawk Self Insurance.

SECURITY

85. A dispensary must maintain a secure, high-resolution surveillance system, satisfactory to the Board, at all times.
86. During opening hours, there must be an employee at the entrance to check valid government issued identification those entering and to provide security to the premises.
87. A dispensary's security systems must include the following minimum requirements:
 - a. cameras and lighting must be positioned to clearly capture twenty-four (24) hour coverage of the interior of the premises and immediately outside the premises, including the:
 - i. entrances and exits, including where IDs are checked;
 - ii. point of sale area(s);
 - iii. receiving area(s);
 - iv. sales floor area(s);
 - v. cannabis storage area(s);
 - b. video recordings must be made and retained for a minimum of thirty (30) days and be made available to the Board upon request;
 - c. licence holders must ensure that the surveillance system is functioning properly at all times.
88. All cannabis must be stored securely at all times and be accessible only by staff from receipt of product to point of sale, destruction, or surrender to the Kahnawà:ke Peacekeepers or return to a licensed producer.
89. Any cannabis that is outdated, recalled, damaged, deteriorated, misbranded, adulterated, returned, or otherwise ineligible to be sold must be kept separate from other cannabis.
90. All points of access to the dispensary premises must be secure and protected against unauthorized access.

91. Licence holders must ensure that cannabis and cannabis accessories are not visible from the exterior of the dispensary premises.

TRAINING

92. Training on the retail sale of cannabis in a dispensary must satisfy the following conditions:
- a. it is recognized by the Board and its content complies with the guidelines and includes the components provided for in Schedule “J” attached to this Regulation; or
 - b. it is offered by the Board or an agent designated by the Board.
93. Licence holders must ensure that all current employees complete any required training within sixty (60) days of the training being approved and available.
94. All persons who are employed to work in a dispensary must complete a training program approved by the Board prior to commencing their employment.
95. At the point of sale, there must be a document available for the purchaser with all the information provided for in Schedule “K”.

RECORD KEEPING REQUIREMENTS

96. Licence holder must ensure that the following records are maintained, retained a minimum of five years.
- a. employee records, including names, addresses, primary job responsibilities, shift schedules, training records and dates of employment;
 - b. records for all cannabis in the authorized store, at a minimum including information regarding:
 - i. the cannabis purchased and received by the licence holder for sale in the dispensary;
 - ii. any cannabis surrendered to the Kahnawà:ke Peacekeepers or returned to a licensed producer;
 - iii. each sale transaction at the dispensary, traceable to the employee level;
 - c. any cannabis that has been destroyed;
 - d. records that may be required to support a cannabis product recall;
 - e. records of the cannabis product used for display purposes,

which must account for the cannabis product after it is no longer on display.

97. All records kept by a licence holder must be made available, upon request, to the Board or to an inspector or Approved Agent appointed by the Board.
98. Licence holders must complete full physical inventory counts of all cannabis on a monthly basis at a minimum or upon the request of Board.
99. A log of the inventory results must be maintained, and all discrepancies must be reported to the Board.
100. Licence holders must ensure that there are reasonable safeguards, satisfactory to the Board, around data security and protection of data integrity, including the point of sales systems.
101. Licence holders must use the point of sales system that has been approved by the Board and provide records and access to this system that are required for the verification of compliance to the Law and regulations.

MATERIAL CHANGE REPORTS

102. Every licence holder must report to the Board any material changes to the information that was provided to the Board for the purposes of an application (a “material change report”).
103. A material change report must be in writing, must clearly identify the material change in question and must be received by the Board:
 - a. wherever possible, at least thirty (30) days prior to the date on which the proposed material change is to be effective; or
 - b. in any event, not later than seven (7) days from the date on which the material change was effective.
104. The costs incurred by the Board, associated with its assessment of a material change report, will be paid to the Board by the licence holder or applicant that submitted the report, upon being presented the appropriate invoice.
105. Failure to report a material change to the Board, may result in one or more of the following sanctions provided in section 121.
106. In the case of an application, failure to report a material change is a sufficient ground for denial of the application.
107. The Board will consider the information in a material change report, including a material change report that is received after the material change is effective, and will issue such written directions to licence holder or applicant as the Board, in its sole discretion, deem necessary and appropriate under the circumstances.

108. Notwithstanding any other provision of this Regulation, a Dispensary Licence holder must notify the Board in writing that is considering voluntarily terminating its licence at least sixty (60) days before the date of the proposed termination.

Renewals

109. All licences must be renewed in accordance with the procedures in this part. Failing to do so will result in the licence automatically terminating on the date on which its term expires.
110. An application to renew licence must be submitted to the Board in the approved form (a “renewal application”).
111. A renewal application must be received by the Board not less than three (3) months prior to the date on which the term of the licence expires.
112. To be considered by the Board, a renewal application must contain all of the information requested in the approved form and be accompanied by a renewal application deposit in the amount of set out in Schedule “I”.
113. Subject to the foregoing section, the Board will promptly consider the renewal application and will:
- a. grant the renewal application and renew the licence for a period of five (5) years;
 - b. deny the renewal application; or
 - c. return the renewal application with a request for additional information.
114. In the event an application is denied, the Board will give its reasons for the refusal in writing to the applicant.
115. In deciding whether to grant a renewal application, the Board will consider:
- a. any material changes to the information previously provided to the Board;
 - b. complaints, concerns or problems that may have arisen in the previous term related to the licence holder;
- and will deny the renewal application if, in the Board's sole discretion, the material changes, complaints, concerns or problems are sufficiently serious or numerous.
116. A licence that is renewed under this Part continues to be subject to the all provisions of this Regulation.

AMENDMENTS

117. The Board may amend any term or condition of a Dispensary Licence if the Board considers it is necessary or desirable to make the amendment for the proper operation of a commercial cannabis facility or that the amendment is otherwise in the public interest. If the Board decides to amend a Dispensary Licence, the Board must promptly give the licence holder written notice (the “amendment notice”) of the change and the reasons for the change.
118. The authority of the Board under section 117 includes the authority to add such new terms or conditions as the Board, in its sole discretion, deems appropriate.
119. Before amending a Dispensary Licence, the Board must follow the ‘show cause’ procedures set out in this Regulation.
120. An amendment takes effect on the date set by the Board.

SUSPENSIONS AND REVOCATIONS

121. The Board may suspend or revoke a licence, on one or more of the following grounds:
 - a. the licence holder no longer has, in the Board’s sole discretion, a good business reputation or sound current financial position;
 - b. one or more of the persons that own, control or are key persons of the licence holder are no longer, in the Board’s sole discretion, suitable to be licensed under this Regulation;
 - c. in the case of a Key Person Licence, the person is no longer, in the Board’s sole discretion, suitable to be licensed under this Regulation;
 - d. the licence holder has breached a provision of the Law or this Regulation;
 - e. the licence holder has failed or refused to pay a fine imposed by the Board in accordance with a provision of this Regulation;
 - f. the licence holder has been convicted of an indictable offence, felony or other crime the Board, in its sole discretion, results in the licence holder no longer being suitable to be licensed under this Regulation;
 - g. the licence holder has contravened a term or condition of its licence or has failed to pay any fee that the licence holder is required to pay under this Regulation, or as directed by the Board;
 - h. the licence holder is insolvent, has been petitioned into bankruptcy or has applied to take advantage of any

bankruptcy law;

- i. the licence holder has a trustee, receiver, manager, liquidator or administrator appointed for it under the provisions of the laws of any jurisdiction;
 - j. the licence holder applies for, or is compelled by any means or for any reason, for a discontinuance or winding-up;
 - k. the licence was obtained by a materially false or misleading representation or in some other improper way;
 - l. the Board determines, in its sole discretion, that the continuation of a licence adversely affects, or could adversely affect, Kahnawà:ke's jurisdictional integrity or reputation; or
 - m. any other ground that the Board, in its sole discretion, determines is material and sufficient for the purposes of this section.
122. If the Board directs the licence holder to rectify a matter in a non-compliance warning and the licence holder fails to comply with the direction within the time allowed for compliance, the Board may, subject to the provisions of this Regulation, revoke the licence or suspend it for such period of time and on such conditions for reinstatement as the Board deems appropriate.

SHOW CAUSE PROCEDURES

123. Before amending, suspending, withdrawing or revoking a licence, the Board must give the licence holder a written notice (a "show cause notice") that:
- a. states the action (the "proposed action") the Board proposes taking;
 - b. states the grounds for the proposed action;
 - c. outlines the facts and circumstances forming the basis for the grounds;
 - d. if the proposed action is suspension, states the proposed suspension period; and
 - e. permits the affected person or persons to show within a stated period (the "show cause period") why the proposed action should not be taken.
124. The show cause period will be established by the Board and will be specified in the show cause notice.
125. The Board will determine the length of the show cause period which must, in no event, be less than thirty (30) days or longer than ninety

(90) days from the date on which it is issued.

126. The Board must promptly serve a copy of the show cause notice on each person (an “interested person”) the Board believes has an interest in the licence, if the Board considers:
 - a. the person’s interest may be affected adversely by the amendment, suspension or cancellation of the licence; and
 - b. it is otherwise appropriate in the circumstances to give copy of the notice to the person.
127. A person upon whom a copy of the show cause notice is served may, within the show cause period, make written representations about the matters raised in the notice to the Board.
128. The Board will consider all written representations (the “accepted representations”) made during the show cause period by:
 - a. the affected licence holder; or
 - b. any interested person upon whom a copy of the show cause notice is served.
129. Notwithstanding any other provision of this Regulation, the Board may amend, suspend, withdraw or revoke a licence immediately and without the necessity of a show cause period, if the Board believes:
 - a. a sufficient ground exists to amend, suspend or revoke the licence; and
 - b. the circumstances are so extraordinary that it is imperative to amend, suspend or revoke the licence immediately to ensure:
 - i. the public interest is not affected in an adverse and material way; or
 - ii. the integrity of the licence holder’s operations is not jeopardized in a material way.
130. An immediate amendment, suspension or revocation:
 - a. must be affected by written notice served on the licence holder (the “notice or immediate amendment, suspension or revocation”), and any interested person;
 - b. is effective from the moment the notice is served;
 - c. continues in effect until a hearing date or until the Board otherwise directs; and
 - d. will specify a show cause period.
131. Notwithstanding any other provision of this Regulation, a licence holder may voluntarily suspend or terminate their own licence by

giving at least thirty (30) days written prior notice to the Board.

132. A voluntary suspension of a licence:
 - a. is not effective unless accepted in writing by the Board;
 - b. does not suspend, interrupt or negate the requirement to pay annual licensing fees for that licence; and
 - c. unless the Board otherwise directs, does not relieve the licence holder from any other obligations under the Law or this Regulation.
133. In the event a licence is revoked by the Board or voluntarily terminated by the licence holder, the licence holder must not remove any assets or equipment from the Territory until it has:
 - a. satisfied all of its obligations to the Board, including the payment of fees;
 - b. provided evidence, satisfactory to the Board, that the licence holder has satisfied its obligations to the Board's Approved Agents.
134. When the requirements of section 133 have been fulfilled, the Board will provide the licence holder with written notice confirming the licence holder may remove its assets and equipment from the Territory.

SHOW CAUSE HEARINGS

135. A licence holder who has received a show cause notice or notice of immediate amendment, suspension or revocation, may, within the show cause period, request a hearing before the Board to respond to the matters raised in the show cause notice.
136. Upon receiving a request for a hearing, the Board will set a time and place for the hearing and will immediately notify the licence holder in writing (the "hearing notice") of time and place of the hearing.
137. At the hearing, the licence holder will have the opportunity to bring written and oral evidence to respond to the matters raised in the show cause notice.
138. The Board may issue additional rules to govern the procedures to be followed at a hearing, in lieu of which, proceedings will follow accepted rules of fairness and natural justice.
139. In the event the affected licence holder fails or refuses to attend a hearing at the time and place set out in the hearing notice, the Board may, in its sole discretion, take one or more of the following actions:

- a. adjourn the hearing to another time and place;
 - b. confirm and continue the amendment, suspension or revocation;
 - c. impose a fine on the affected licence holder of not less than One Thousand (\$1,000.00) Dollars and not more than One Hundred Thousand (\$100,000.00) Dollars;
 - d. issue such other directives as the Board deems necessary.
140. If, after considering the accepted representations, or in the case of a hearing, the evidence adduced before it, if any, the Board finds that:
- a. a ground or grounds exist to amend, suspend or revoke the licence; or
 - b. the act, omission or other matter constituting the ground is of a serious and fundamental nature and either:
 - i. the integrity of the licence holder's operations may be compromised in a material way;
 - ii. the public interest may be affected in an adverse or material way; or
 - iii. the credibility or reputation of the Board, the Territory of any person or entity within the Territory is, or may be, negatively affected;

the Board may amend or revoke the licence or suspend the licence for such period of time and on such conditions of re-instatement as the Board deems appropriate.

141. The Board must promptly serve written notice of the decision to amend, suspend or revoke a licence, with reasons for the decision, on the affected licence holder.
142. The Board will publish a notice on its website and in local media advising the Community of Kahnawà:ke of a decision to amend, suspend or revoke a licence, with a summary of the reasons for the decision.
143. A decision to amend, suspend or revoke a licence takes effect on the date and time specified by the Board.
144. If a licence is under suspension, the Board may, at the request of the licence holder, reconsider the duration of the suspension and will promptly inform the affected licence holder in writing of its decision.

APPROVED AGENTS

145. Upon receipt of a completed application in the approved form, the

Board may appoint one or more Approved Agents, to assist and advise the Board and to carry out any of the following functions, for and on behalf of the Board:

- a. to investigate whether any person applying for or holding a licence is a suitable person for the purposes of this Regulation and submit a report of its findings to the Board;
- b. to conduct a review of the physical and computer security systems used, or proposed to be used, by an applicant or licence holder, and make such recommendations to the Board for any modifications that may be appropriate;
- c. to conduct inspections and certifications of facilities, equipment and materials;
- d. to advise on the appropriate manner for the storing and handling of cannabis;
- e. to conduct reviews of an applicant or licence holder's operations and submit a report of its findings to the Board; and
- f. such other matters as the Board may require from time to time.

146. The Board may appoint a person as an Approved Agent if it considers that the person has the necessary expertise and is otherwise suitable in consideration of the person's knowledge, skills, training, reputation, character, business reputation, current financial position and financial background.

147. An Approved Agent will be subject to the directives of the Board and may not act outside of the scope of authority contained in those directives.

148. The Board may appoint a person as Approved Agent for a period of time not to exceed two (2) years, but such appointment may be renewed an unlimited number of times.

ANNUAL LICENSING FEES

149. The holder of a Dispensary Licences must, no later than April 30th of a fiscal year, submit to the Board a statement of the total cannabis revenue for the preceding fiscal year with respect to that licence, including the amount received from the sale of cannabis and the amount paid for the purchase of cannabis that were used to determine the cannabis revenue.

150. The holder of a Dispensary Licence or a Key Person Licence must pay an annual licensing fee as set out in Schedule "I".

151. Annual licensing fees must be paid in full:

- a. within thirty (30) days of the date on which a licence is

granted by the Board;

- b. on or before the anniversary of the date on which the licence was first granted and on or before each subsequent anniversary date;

failing which the licence will be suspended or revoked.

152. The Board will, not less than thirty (30) days before the date on which an annual licensing fee is due, send a written notice (the “notice to pay”) to the affected licence holder advising of the amount of the annual licensing fee and the date on which payment is due.
153. Failure to receive a notice to pay does not excuse a licence holder from his, her or its obligation to pay the appropriate annual licensing fee.
154. A licence holder must pay to the Board a penalty in the amount of an annual licensing fee outstanding (the “unpaid amount”) at the end of the period allowed for payment.
155. The penalty is ten percent (10%) per annum of the unpaid amount calculated on a per diem basis from the date the fee was due until it is paid in full.
156. The amount of an annual licensing fee and a penalty payable under section 155 is a debt payable to the Board and may be recovered by action in a court of competent jurisdiction.
157. Failure to pay a required annual licensing fee may, in addition to the penalties provided in this Regulation, result in the suspension or revocation of the licence in question.

GENERAL PROVISIONS

158. A copy of the licence holder’s Dispensary Licence must be prominently displayed in the dispensary at all times.
159. A dispensary may not provide cannabis or cannabis accessories free of charge or provide any other thing or benefit, as an inducement for the purchase of cannabis or a cannabis accessory.

PENALTIES

160. Anyone who breaches a provision of this Regulation is liable to:
 - a. a non-compliance warning;
 - b. suspension or revocation of their Licence; or
 - c. a fine up to One Hundred Thousand (\$100,000.00) Dollars per breach.

