

FEEDBACK REPORT

Regulations for the Cannabis Control Law

| DATE RECEIVED | FEEDBACK | RESPONSES |
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| <p>Telephone Calls:</p> <p>Oct 16, 2020</p> | <p>What right does the MCK have to ask for people’s medical prescription?</p> <p>It’s a violation of people’s rights. The Canadian government tried to do that, but the Supreme Court ruled you could not do that. Medical cannabis production has been legal for 17 years.</p> | <p>Canada’s Cannabis Regulations require the production of a “medical document” to be registered as a medical cannabis user. The “daily dose” set out in the medical document is a key part of the formula for determining the number of plants the medical cannabis user can grow—or have grown for them by a designated person. It is not possible to formulate the content for a Registration Certificate without knowing what the medical document provides for “daily dose”.</p> <p>There is no decision by any level of court in Canada prohibiting the agency that registers medical cannabis users from requesting and being provided a copy of a medical cannabis user’s medical document. There has been a number of judicial decisions regarding earlier incarnations of Canada’s medical cannabis regulations—but these decisions focused on other matters: eg. <i>R. v. Smith</i>, [2015] 2 SCR 602 and <i>Allard v. Canada</i>, [2016] 3 FCR 303.</p> <p>The requirement to provide the KCCB a copy of a medical document for the purposes of the <i>Regulations concerning Access to Cannabis for Medical Reasons</i> is consistent with Canada’s regulations and decided caselaw.</p> <p>In terms of privacy or personal data, the KCCB will ensure that medical records provided to it for the purposes of the <i>Regulations concerning Access to Cannabis for Medical Reasons</i> are afforded the highest level of security and confidentiality.</p> |
| | <p>What is the protocol for entering a place to validate license and plant count (medical cultivation)? How do you find out that people are growing it? Law enforcement must come up with a clause.</p> | <p>Section 29 and following of the <i>Regulations concerning Access to Cannabis for Medical Reasons</i> provide for inspections of a “production site” established by a medical user. Similarly, Canada’s <i>Access to Cannabis for Medical Purposes Regulations</i> provides as follows:</p> |

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| | | <p>Inspection</p> <p>195 (1) To verify that the production of cannabis is in accordance with these Regulations and a registration, an inspector may, at any reasonable time, enter any place where the inspector believes on reasonable grounds that cannabis is being produced or stored by a registered person or a designated person, and may, for that purpose,</p> <ul style="list-style-type: none"> (a) open and examine any receptacle or package found there that could contain cannabis; (b) examine anything found there that is used or maybe capable of being used to produce or store cannabis; (c) examine any substance found there and, for the purpose of analysis, take samples; and (d) seize and detain, in accordance with Part IV of the Act, any substance found there, if the inspector believes, on reasonable grounds, that it is necessary. <p>The KCCB’s <i>Regulations concerning Access to Cannabis for Medical Reasons</i> also have a number of provisions that are designed to ensure that the KCCB maintains reasonable control over a medical cannabis registrant and the activities conducted at his/her production site. For example:</p> <ul style="list-style-type: none"> • the use of an Analytical Testing Agent to test the quality of cannabis being produced at a medical cannabis user’s production site: ss. 33 to 37; • procedures for the destruction of cannabis that exceeds the amount set permitted in a registration certificate: ss. 38 to 40; • requirements for a medical cannabis user to maintain the security of cannabis grown on a production site and documents related thereto: ss. 41 to 43. |
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| <p>Telephone Calls:</p> | <p>The number of dispensary permits is too low.</p> | <p>Decision to start with 3 dispensaries based on a number of factors. First and foremost, the decision was based on public health and safety. The KCCB also</p> |

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| <p>Oct. 21, 2020</p> | <p>What is the application process for dispensary licenses?</p> | <p>received advice from external experts about the commercial viability of dispensaries in Kahnawake—to avoid market saturation. Finally, the KCCB felt it was prudent to start with smaller, more manageable number of dispensaries to ensure proper controls in place and functioning properly.</p> <p>Section 5 of the KCCB’s <i>Regulation concerning Dispensaries and Dispensary Licences</i> provides that the number of licensed dispensaries may be increased in the future.</p> <p>The application process for dispensary licences is set out in the <i>Regulation concerning Dispensaries and Dispensary Licences</i></p> |
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| <p>Telephone Calls: Nov. 18, 2020</p> | <p>When will the applications be available?</p> <p>What impact would a criminal conviction from 30 years ago have on an application?</p> <p>Suggestion of a point system instead of a lottery for selecting applicants for dispensary permits (each criterion given a point rating).</p> | <p>The KCCB’s Regulations are expected to be finalized and enacted shortly after feedback from community members and interested parties has been received, analyzed and, where appropriate, incorporated into the existing draft Regulations. Once the Regulations are enacted and the administrative components established the KCCB will begin receiving applications in accordance with the procedures set out in the Regulations.</p> <p>The KCCB has discretion to assess the “suitability” of each applicant. The <i>Regulation concerning Licensing and Licensing Procedures</i> sets out the assessment principles and procedures in sections 13 to 16. Each case is decided on its own particular circumstances and merits, taking into account Kahnawake’s long-standing position on offences/convictions related to the tobacco industry.</p> <p>The KCCB has discussed this possibility and considers the process set out in the existing draft Regulation to be reasonable and fair.</p> |
| | <p>Cultivation – Will those with federal permits have preference?</p> | <p>No. The KCCB’s <i>Regulation concerning Cultivation, Processing and Distribution</i> requires both a KCCB licence and a corresponding licence from Health Canada. This requirement applies to all applicants equally. Those who have already received Health Canada licenses may have their application to the KCCB processed more quickly. However, there are no maximum number of licences that can be issued by the KCCB under this Regulation—and therefore no preferences will be given.</p> |
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| <p>Telephone Calls: (4)</p> <p>Oct. & Nov. 2020</p> | <p>How do I apply for a dispensary licence?</p> <p>When can I apply for a dispensary licence?</p> <p>Where do I apply for a dispensary license?</p> | <p>The application process for dispensary licences is set out in the <i>Regulation Concerning Dispensaries and Dispensary Licences</i>.</p> <p>As stated above, the KCCB's Regulations are expected to be finalized and enacted shortly after feedback from community members and interested parties has been received, analyzed and, where appropriate, incorporated into the existing draft Regulations. Once the Regulations are enacted and the administrative components established the KCCB will begin receiving applications in accordance with the procedures set out in the Regulations.</p> <p>Applications will be made to the Cannabis Control Office.</p> |
| <p>Submitted Date: Monday, November 2, 2020 @ 11:13 PM</p> | <p>What is the remedy for undue hardship caused by overzealous inspectors and where do victims go for appeal?</p> | <p>The KCCB will receive and consider complaints about the conduct of its inspectors.</p> <p>Also, it should be noted that section 24.1 of the <i>Kahnawake Cannabis Control Law</i> provides as follows:</p> <p style="padding-left: 40px;">24.1 A decision by the KCCB may be reviewed by the Administrative Tribunal in accordance with the Kahnawà:ke Justice Act and its applicable regulations.</p> |
| | <p>What will be done for those owners from off reserve who are partnered in and run dispensaries in Kahnawake who might seek legal satisfaction in outside courts?</p> | <p>The <i>Kahnawake Cannabis Control Law</i> provides as follows:</p> <p style="padding-left: 40px;">16.16 Subject to the requirements for each licence category, the only persons eligible to apply for a licence are:</p> <p style="padding-left: 40px;">(a) a natural person who:</p> <p style="padding-left: 80px;">(i) is a Kanien'kehá:ka of Kahnawà:ke;</p> <p style="padding-left: 80px;">(ii) has attained the full age of twenty-one (21) years old;</p> <p style="padding-left: 80px;">(iii) is resident within the Territory; and</p> <p style="padding-left: 80px;">(iv) who has no criminal conviction for an indictable offence or has received a full pardon for any such conviction.</p> <p style="padding-left: 40px;">(b) a band-empowered entity, corporation or partnership that is wholly owned</p> |

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| | | <p>and operated by one or more natural persons each of who:</p> <ul style="list-style-type: none"> (i) is a Kanien'kehá:ka of Kahnawà:ke; (ii) has attained the full age of twenty-one (21) years old; (iii) is resident within the Territory; and (iv) who has no criminal conviction for an indictable offence or has received a full pardon for any such conviction; <p>(c) a band-empowered entity, corporation or partnership in which the Council and one or more other business entities share a commercial interest.</p> <p>The KCCB has no discretion over “eligibility” requirements set out in the Law.</p> <p>While there is no mechanism to block anyone from instituting legal proceedings in outside Courts, the KCCB’s Regulations reference internal administrative bodies and mechanisms to resolve disputes and those should be exhausted before any dispute or claim is made to an external body.</p> |
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| <p>Submitted Date: Tuesday, November 10, 2020 @ 2:49 PM</p> | <p>Section 1: Regulation Concerning Cultivation Processing & Distribution</p> <p>Line 59. F This restriction is intuitive if people are not allowed to buy more than 30g per visit. This could be changed to a larger amount than 30g. Quebec does not allow a person to buy more than 30g per visit, but you are allowed to have 150g in your possession. The maximum amount could be somewhere below 150g.</p> | <p>Re section 59(f): the 30g restriction is imposed by the <i>Cannabis Act</i>, which is a criminal law of general application enforced in Kahnawake by the Peacekeepers. The 30g restriction is also set out in the KCCB’s <i>Regulation concerning Dispensaries and Dispensary Licences</i> and was specifically requested by the law enforcement and public health and safety organizations in Kahnawake during the consultation phase.</p> <p>This question may be confusing the conversion for the amount of dried cannabis versus fresh cannabis a person can have in their possession. The <i>Cannabis Act</i> only permits a person to possess 30 g of <u>dried</u> cannabis. It does permit a person to possess 150 g of <u>fresh</u> cannabis but only because 1 g of dried cannabis is equal to 5 g of fresh cannabis. Therefore 30 g of dried cannabis actually equals 150 g of fresh cannabis. Accordingly, excepting only a person who has been registered as a medical cannabis user, no one is permitted to buy or possess 150 g of dried cannabis anywhere in Canada. Moreover, fresh cannabis is not normally sold by dispensaries. It is only sold in dried format.</p> |

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| | <p>Line 66. Not obligating labels to be in French can be an attractive selling point for LP's outside of Quebec who do not usually need to have labels in French.</p> | <p>Re section 66: Canada's <i>Consumer Packaging and Labelling Act</i> and its regulations require that packaging of all products in Canada to be bilingual. This is a Canada-wide obligation and applies to almost all industries in Canada. Therefore, all cannabis Licensed Producers ("LPs") in Canada have the obligation of using bilingual labels regardless of whether they sell in Quebec.</p> <p>It also makes sense to have labels in French given that many of the customers of Kahnawake dispensaries will be francophone.</p> |
| | <p>Line 68. C, D There are certain examples of these restrictions that are without a doubt warranted but there can be some marketing advantages here if the restrictions are lightened. The current restrictions rid of any possibility of saying anything about the product or having a picture of any animal. Points C and D could be allowed as long as they obey points A,B, E and F.</p> | <p>Subsections 68(c) and (d) are aimed at preventing the excessive promotion or glamorizing of cannabis products, thereby making the products more attractive to youth. This restriction is adapted from Canada's cannabis legislation.</p> |
| | <p>Section 2: Regulation Concerning Dispensaries & Dispensary Licenses Definitions - "Cannabis Product" "subject to the following rules" B,C,D,E B The concentration of THC could exceed 30% up to XX% weight per weight. This could differentiate the product itself, which would not be accessible anywhere else.</p> | <p>This definition is consistent with the definition of "cannabis product" in Canada's legislation. Deviating from this formula, especially to raise the maximum allowable content of THC, would raise concerns with Kahnawake's Health and Safety Committee.</p> |
| | <p>C Edibles could be allowed to be in their "classic" forms such as brownies or other sweets. This could be a very large advantage.</p> | <p>Allowing "classic" edible products will raise health and safety concerns, eg: children may access and consume an edible product by accident.</p> |
| | <p>D A distinguishable portion unit of edible cannabis product may contain a quantity of THC greater than 5mg up to XX%. Same reasoning as B.</p> | <p>As stated above, raising the maximum allowable content of THC, especially for edible products, would raise concerns with Kahnawake's Health and Safety Committee.</p> |
| | <p>E The quantity of THC per package could be larger than 10mg up to XX%. Same reasoning as B. I will add that people can simply consume more packages if they would like.</p> | <p>As stated above, this requirement is consistent with existing legislation. Deviating from this formula, especially to raise the maximum allowable content of THC, would raise concerns with Kahnawake's Health and Safety Committee.</p> |

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| | <p>Line 37 A,B The hours could be extended. Either by opening earlier or staying open later. It is understood that there can be negative externalities if we are open 24/7. Although, this is one change that can very easily have a large impact. If we are open at 8 for example, instead of 10, we can capture some early through traffic. Being open past 5 on the weekends can be a very large opportunity, even if it is only by an hour or two.</p> | <p>Subsection 23.1(g) of the <i>Kahnawake Cannabis Control Law</i> gives the KCCB the authority to establish the days and hours during which a dispensary may operate. If there are compelling reasons to do so, the KCCB is willing to re-consider this issue at a future date</p> |
| | <p>Line 38 The suggestion here is basically the same as the point from Section 1, Line 59 F. We could be allowed to sell larger amounts than 30g.</p> | <p>As stated above, the 30g restriction is imposed by the <i>Cannabis Act</i>, which is a criminal law of general application enforced in Kahnawake by the Peacekeepers. The 30g restriction is also set out in the KCCB's <i>Regulation concerning Dispensaries and Dispensary Licences</i> and was specifically requested by the law enforcement and public health and safety organizations in Kahnawake during the consultation phase.</p> |
| | <p>Line 47 Selling cigarettes, alcohol or snacks could be a “convenience” advantage for the consumer. These products are usually complementing and are often used together. Selling snacks, which is harmless, so to speak, can be a nice touch for convenience and we could also enjoy the revenue from those snacks.</p> | <p>Sections 32 and 33 of the KCCB's <i>Regulation concerning Dispensaries and Dispensary Licences</i> provides as follows:</p> <p>32. Before a dispensary can be opened to the public, the KCCB must approve its design, size, layout and fixturing.</p> <p>33. The KCCB must approve any modifications to the design, size, layout and fixturing of a dispensary.</p> <p>The possibility of selling other products in a KCCB licensed dispensary will be taken under advisement and may be incorporated into future revisions of the Regulations.</p> |
| | <p>Line 50 A,D,I Most of these have already been covered in the previous section's Line 68. If ever we are able to compete in price, allowing for section A could be considered. After all, price of beer is advertised.</p> | <p>This question may be confusing the requirements of section 68 under <i>Regulation concerning Cultivation, Processing and Distribution</i> with requirements of section 50 of <i>Regulations concerning Dispensaries and Dispensary Licences</i>.</p> <p>Requirements of section 50 were adapted from existing legislation. Modifying or removing this requirement may raise concerns with Kahnawake's Health and Safety Committee and other agencies. However, the KCCB will take the suggestion under advisement and may be incorporated into future revisions of the Regulations.</p> |
| | <p>Additional: I was not able to find any regulations regarding customers being able/not able to see and smell the product before purchasing. If we allow customers to see and smell the product before purchasing, this will exponentially increase the consumer experienced</p> | <p>Allowing persons to open and smell products in a dispensary may result in strong odours within the premises, may pose a health and safety risk and may be considered an “enticement” to purchase cannabis products. Alcohol is a different substance to</p> |

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| | compared to the SQDC. You can taste alcohol at the SAQ, but you cannot view the cannabis at the SQDC. | which different considerations apply. However, the KCCB is willing to research this issue further in collaboration with the Kahnawake Health and Safety Committee. |
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| Submitted Date: Tuesday, November 10, 2020 @ 5:45 PM | REGULATION CONCERNING PRICES, ROYALTIES AND CONTRIBUTIONS <i>Pg. 3</i> 11. - Concern : How does the KCCB/Dispensary plan to track theft from the non-Onkwehón:we royalty transactions? | All dispensaries will use centralized software systems in order to track transactions. The dispensaries will pre-pay royalty to the Procurement Entity. In order to receive a refund, dispensary licence holders will be required to provide proof of sale to Onkwehón:we. This system is designed to put onus on retailer to reduce risk of fraud. |
| | <i>Pg. 4</i> 14. - Concern : How can we make it so that the dispensaries don't have to put out the most cash flow before sales even get generated, while still ensuring they have measures in place to encourage remitting the royalties to Council? | Unfortunately, this is a financial issue that applicants need to consider before applying for a licence. The application process should require the applicants to demonstrate that they have access to sufficient financing to build out the dispensary and pay for inventory. It is important that dispensary licence holders be sufficiently capitalized to cover cash-flow. |
| | 15. - Question : How will the KCCB decide to prescribe the method of recording, in order to enforce 17 a) and b)? Are all transactions to be recorded with their respective IDs? Or only non-Onkwehón:we? | By default, every sale at a dispensary will be charged the non-Onkwehón:we Royalty— <i>unless</i> the purchaser can show proof that he/she is entitled to the Onkwehón:we exemption. In this regard, section 15 of the Reg provides as follows: 15. 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. |

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| | | Systems will be implemented to ensure that appropriate identification has been provided by Onkwehón:we purchasers. Systems will balance certainty with appropriate protections for individual's personal privacy. |
| | 18. - Concern : Is it possible to game the system by not submitting the non-Onkwehón:we consumers, while claiming that they showed accepted Territory ID? Is it possible they can be reimbursed the prepaid money and pocket the royalties? | A dispensary licence holder would be unwise to try to defraud, or attempt to defraud, the systems put in place as he/she would jeopardize their licence and their entire investment if the fraud or attempted fraud were detected by the KCCB. A centralized payment processing system combined with regular audits by KCCB will be effective deterrents to fraud or abuse. |
| | REGULATION CONCERNING ACCESS TO CANNABIS FOR MEDICAL PURPOSES <i>Title</i> - Question : Considering that cannabis is legal recreationally across Canada, within our province and other Territories, based on the title of this regulation, would it be only legalized for medicinal purposes? Taking into consideration the current challenges that present themselves trying to obtain an appointment with a medical practitioner and the ease of access through establishments like the SQDC? | Cannabis is legal in Kahnawake for recreational purposes. The purpose of the <i>Regulation concerning Access to Cannabis for Medical Purposes</i> is primarily intended to ensure that those who grow cannabis for medical purposes, which is not permitted for recreational users, are doing so in conformity within the legal framework of access to cannabis for medical purposes. Medical cannabis users have other specific advantages over recreational users—eg. possessing up to 150 grams in public. |
| | Pg. 3 5. c) Concern/Suggestion : Why would this be considered if the person had an offence for consuming cannabis when it was illegal, while it is now being made legal to purchase/consume? Perhaps consider limiting the offence to trafficking rather than consuming? | The KCCB has discretion when determining eligibility for registration. Each case is assessed on its own merits. However, to clarify this issue, the KCCB will amend section 5(c) to include the phrase “ serious cannabis offences”. |
| | 7. Concern : This requirement, when referencing again 5. c) makes no sense at all, if the person who was convicted actually had a medical condition that called for the use of cannabis, while it was prohibited in the Territory. | There is no conflict between sections 7 and 5(c)—two different issues. However, the point about subsection 5(c) is noted (as indicated above). |
| | Pg. 5 16. Concern : For the possession in a public place, these limitations seem significantly higher than the provincial limit of 30g. No person should be carrying around 5 ounces for personal consumption. | This is for medical cannabis users only. The limit for recreational users is 30g. The Regulation is consistent with what has been deemed permissible by the courts and other legislation. For example, paragraph 6(1)(d) of Canada's <i>Access to Cannabis for Medical Purposes Regulations</i> allows a registered person to possession up to 150 grams of dried cannabis. |

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| | <p>Pg. 6 20. c) Concern : Same comment relevant to 5. c) with the same language</p> | <p>See above. There is no conflict between sections 7 and 5(c)—two different issues. However, the point about subsection 5(c) is noted (as indicated above).</p> |
| | <p>Pg. 8 26. - Question : What was the source for this calculation?</p> | <p>Subsection 190(2) of Canada’s <i>Access to Cannabis for Medical Purposes Regulations</i>.</p> |
| | <p>Pg. 10 40. - Concern : The KCCB should have better oversight plans in place for the extra that gets destroyed, rather than encourage an environment for the contaminated cannabis to potentially be consumed? Potential pop-up visits by inspectors is not enough. What about recorded proof of the destruction?</p> | <p>This is a good point that the KCCB will take under advisement.</p> |
| | <p>41. - Concern : What are the security requirements? The language in the Cultivation Regulation does not specify the expected measures to put in place</p> | <p>The <i>Regulation concerning Access to Cannabis for Medical Purposes</i> requires a registered person or designated person to take “reasonable steps” re security. KCCB will determine what is “reasonable” on case-by-case basis depending on factors such as: location, size, layout, etc. of premises.</p> <p>Security for cultivators and processors is regulated by Health Canada and is very detailed. https://www.canada.ca/content/dam/hc-sc/documents/services/drugs-medication/cannabis/laws-regulations/regulations-support-cannabis-act/guide-physical-security-measures/guide-physical-security-measures.pdf While these standards were primarily aimed at standard and micro cultivators/processors, the KCCB may use this some aspects of this guide to assist it in the development of standards that are appropriate for security measures to be implemented at production sites for medical cannabis registrants.</p> |
| | <p>REGULATION CONCERNING CULTIVATION, PROCESSING AND DISTRIBUTION</p> <p>Pg. 4 4. - Question : So, a Licensed Producer from outside of Kahnawà:ke can get licensed, provided that it is proven to be beneficial to the Territory, such as becoming a supplier to the Distributor?</p> | <p>Yes. Section 16.17 of the KCCL provides as follows:</p> <p>16.17 Notwithstanding the foregoing section, if the KCCB determines that it is appropriate from a regulatory perspective to do so, it may issue a Standard Cultivation Licence and a Standard Processing Licence to an entity that is located outside the Territory, as long as the KCCB is satisfied there is a benefit to the Community of Kahnawà:ke for doing so.</p> |

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| | | <p>This is not a matter for the KCCB's discretion as it is coded into the Law.</p> <p>16.10 The holder of a Distribution Licence must obtain cannabis only from the holder of a Standard Cultivation, a Micro-Cultivation Licence, a Standard Processing or a Micro-processing Licence.</p> |
| | <p>Pg. 5 14. - Suggestion : You need all “band card present” transactions to be recorded to ensure that reimbursement requests are legitimate, and the dispensaries are not simply pocketing non-Onkwehón:we royalties.</p> | <p>Yes, see the requirements of the <i>Regulations concerning Prices, Royalties and Contributions</i>.</p> |
| | <p>REGULATION CONCERNING DISPENSARIES AND DISPENSARY LICENCES</p> <p>Pg. 2 d) - Concern : The limit of 5mg per portion unit is half the limit set by Health Canada.</p> | <p>This comment is correct. However, , the KCCB wants to limit to 5 mg of THC per package. This is a health and safety decision.</p> |

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| | h) - Concern : The Health Canada limits for extract are very different (up to 1000 mg), yet there are none listed in this Regulation. | This comment is correct. The KCCB will take this under advisement and consider a limit for cannabis extracts for inhaling and ingesting, as well as cannabis topicals be included in the future revisions to the Regulation. |
| | Pg. 6 21. - Question : If the KCCB does not approve the pre-qualification for a reason that can be corrected, such as missing information, can it be amended and resubmitted for consideration? | The KCCB has discretion in this area but extensions to deadlines will be granted rarely and in only limited circumstances. Otherwise, deadlines become meaningless. |
| | 26. - Question : To avoid getting rejected due to location, if and when possible, can the applicant submit more than one location for the pre-qualification form to avoid possible community concerns? | No. Section 16 of the Regulation provides as follows: 16. The Board will reject pre-qualification 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 pre-qualification form. |
| | 51. - Question : There is very little said about websites and their attached regulations. Is there a specific plan by the KCCB to enforce all the same requirements through the website (legal age, royalty exemption through ID, etc.)? | This is a good comment. The KCCB will develop an amendment to its Regulation regarding online advertising and sales. In general, the requirements of Regulations will apply equally to bricks and mortar facilities and online sales (adapted as necessary). |
| | 69. - Comment : The words “to commencing” are listed twice. | Fixed, thank you. |
| | REGULATION CONCERNING LICENSING REQUIREMENTS AND PROCEDURES <i>*** Need additional time to review and revert.</i> | |
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| <p>Submitted Date: Tuesday, November 17, 2020 @ 1:26 PM</p> | <p>Currently the regulations call for a maximum of 3 dispensary licenses.</p> <p>Is there a possibility for it to be increased to more stores for economic opportunity?</p> | <p>As stated above, the decision to start with three dispensaries was based on a number of factors, including health and safety concerns and advice received from an external expert. The KCCB is of the view that it is more prudent to start with smaller, more manageable number to ensure proper controls in place and to allow for an assessment of the impact on community health and safety. Do not want to saturate market.</p> <p>Section 5 of the KCCB’s <i>Regulation concerning Dispensaries and Dispensary Licences</i> provides that the number of licensed dispensaries may be increased in the future.</p> |
| | <p>Pricing – Despite the large number of vehicles that pass through Kahnawake, only a fraction of those vehicles patronize Kahnawake business. Will Kahnawake dispensaries be allowed to have a price advantage in comparison to the SQDC to attract customers? Aside from the racism Kahnawake historically faces, Kahnawake dispensaries will also be in competition with a CROWN CORPORATION and the BLACK MARKET.</p> | <p>Pricing advantages are likely to be minimal. The pricing advantages may be limited to the difference between the Royalty rate (at ~8%) and the applicable sales tax rates, which is 14.975%. This is an issue that the KCCB will monitor carefully and, if necessary, adjustments to the Regulation will be made.</p> |
| | <p>Are there any specific building requirements for an approved business? Will small “huts” be eligible?</p> | <p>See section 32 of <i>Regulation concerning Dispensaries and Dispensary Licences</i>:</p> <p>32. Before a dispensary can be opened to the public, the KCCB must approve its design, size, layout and fixturing.</p> |
| | <p>Will the manufacturers be providing full-service products, including packaging, label, cannabis grams, other ingredients etc.?</p> | <p>Any product sold at a dispensary must be received fully packaged, labelled, with presence of cannabis stamp—see the requirements in the <i>Regulation concerning Cultivation, Processing and Distribution</i>.</p> |
| | <p>There will be a lottery for the three proposed dispensary licenses.</p> | <p>The draw is for the purpose of selecting pre-qualification forms, not dispensary licences. See sections 22 and 23 of Regulation concerning Dispensaries and Dispensary Licences:</p> <p>22. If the KCCB approves more than three (3) pre-qualification forms, the KCCB will randomly select three (3) approved pre-qualification forms (the “selected pre-qualification forms”).</p> <p>23. The KCCB will determine the time, place and method used to randomly select three (3) approved pre-qualification forms.</p> |

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| | <p>Will all applicants be eligible to witness the process?</p> | <p>To ensure fairness, a representative of the Kahnawake Gaming Commission will be requested to conduct the draw. Yes, parties who submitted pre-qualification forms will be allowed to witness the draw.</p> <p>Other jurisdictions (eg. Ontario) have used lottery system to select applicants for dispensary licences.</p> |
| <p>Submitted Date: July 25, 2021</p> | <p>I officially abstain from the LAW as a whole entirety. The MCK should be putting money in our people's pockets rather than finding ways to pick money off of ourselves. I do not agree with charging our people for doing business as it is our inherent right to produce and trade as we please. The suggested law takes our rights away of free trade. Please offer the people money from the gaming industry before taking off of us.</p> | <p>The amendment to the Regulation Concerning Prices, Royalties and Contributions for the Kahnawake Cannabis Control Law was posted specifically for feedback on the two amended areas: the definition of the term "gross revenue: and section 23 – 25. The Law went through the required CDMP process in 2018, including at that time hearings and a feedback period. The community consultation and feedback received during the drafting of this Law was to ensure that some of the profit benefited the collective; the mandatory community contributions is one way in which the Law is meeting that objective.</p> |