



REGULATION CONCERNING ACCESS TO CANNABIS FOR MEDICAL PURPOSES

This Regulation was enacted by
the Kahnawàke Cannabis Control Board
on _____
pursuant to sections 9.2, 16.2 and 23.1
of the *Kahnawàke Cannabis Control Law*

DEFINITIONS

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

“**cannabis**” or “**cannabis plant**” means a plant that belongs to the genus *Cannabis* and includes:
 - (a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to below;
 - (b) any substance or mixture of substances that contains or has on it any part of such a plant; and
 - (c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;but does not include:
 - (d) a non-viable seed of a cannabis plant;
 - (e) a mature stalk, without any leaf, flower, seed or branch, of such a plant;

(f) fiber derived from a stalk referred to above; and

(g) the root or any part of the root of such a plant;

“**designated person**” means an individual who is designated by a registered person, in accordance with this Regulation, to produce cannabis for the medical purposes of the registered person;

“**designation certification**” means a certificate issued by the Board under section 21(a) of this Regulation;

“**dried cannabis**” means any part of a cannabis plant that has been subjected to a drying process, other than seeds;

“**licensed medical practitioner**” means an individual who:

- (a) is entitled under the laws of a province to practice medicine in that province; and
- (b) is not restricted, under any applicable law, from authorizing the use of cannabis.

“**prescription**” or “**medical document**” means a document provided by a licensed medical practitioner to support the use of cannabis for medical purposes;

“**produce**” in respect of cannabis, means to obtain it by any method or process, including by

- (a) manufacturing;
- (b) synthesis;
- (c) altering its chemical or physical properties by any means; or
- (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.

“**production site**” means:

- (a) in respect of a registered person, the site, if any, for the production of cannabis plants that is specified in his or her registration certificate; and
- (b) in respect of a designated person, the site for the production of cannabis plants that is specified in the document that the person receives under section 21(a) of this Regulation;

“**registered person**” means an individual who is registered with the Board in accordance with this Regulation;

“**registration certificate**” means a certificate issued by the Board under section 8 of this Regulation.

REGISTERED PERSON

3. Subject to the terms of this Regulation, a registered person is entitled to:
 - (a) acquire cannabis from a dispensary or from a facility that is licensed by the Board or Health Canada;
 - (b) possess cannabis for medical purposes, in the amounts provided in this Regulation;
 - (c) produce cannabis for medical purposes in a production site; and
 - (d) designate an individual to produce cannabis for the medical purposes of the registered person.
4. An individual may apply to the Board to be registered for the purposes of this Regulation.
5. To be eligible for registration, an individual must:
 - (a) be a Kanien'kehá:ka of Kahnawà:ke;
 - (b) be the prescribed legal age;
 - (c) not have been convicted of a cannabis related offense within the past five (5) years; and
 - (d) be a “registered person” under the *Cannabis Regulations* (Canada).
6. An individual may not be registered more than once at any time.
7. An application to be registered must be in the form attached as Schedule “A” to this Regulation and must include a prescription or medical document issued by a licensed medical practitioner.
8. Upon receipt and review of an application to be registered, the Board may issue the applicant a registration certificate.

MEDICAL DOCUMENT

9. A prescription or medical document must indicate:
 - (a) The licensed health care practitioner’s given name, surname,

profession, business address and telephone number and, if applicable, their facsimile number and email address;

- (b) the province in which the licensed health care practitioner is authorized to practise his or her profession and the number assigned by the province to that authorization;
- (c) the given name, surname and date of birth of the individual who is under the professional treatment of the licensed health care practitioner;
- (d) the address of the location at which the individual consulted with the licensed health care practitioner;
- (e) the daily quantity of dried cannabis, expressed in grams, that the licensed health care practitioner authorizes for the individual; and
- (f) a period of use, specified as a number of days, weeks or months.

REFUSAL

10. The Board may refuse an application to be registered if:
 - (a) the application is not fully completed and signed by the applicant;
 - (b) the Board has reasonable grounds to believe that false or misleading information has, or false or falsified documents have, been provided in, or in support of, the application;
 - (c) the medical document that forms the basis for the application is no longer valid;
 - (d) the given name, surname or date of birth of the applicant is different from the given name, surname or date of birth that appears on the medical document that has been submitted; or
 - (e) the licensed health care practitioner who provided the medical document to the applicant notifies the Board in writing that the use of cannabis by the applicant is no longer supported for clinical reasons.
11. If daily quantity of dried cannabis indicated in the medical document exceeds 3.2 grams, the Board may request further information from the licensed medical practitioner who issued the medical document and, if the information is not provided or is unsatisfactory, the Board may refuse the application to be registered.

EXPIRATION

12. A registration certificate will expire on the date the medical document that forms the basis for the registration, expires.

RENEWAL

13. To renew a registration certificate, the registered person must submit to the Board an application to renew in the form attached as Schedule "A" to this Regulation and must include a new prescription or medical document issued by a licensed medical practitioner.

REVOCAATION

14. The Board may revoke a registration certificate if:
 - (a) the registered person requests it;
 - (b) the registered person no longer meets one or more of the eligibility criteria in section 5;
 - (c) the Board has reasonable grounds to believe that the registration was made on the basis of false or misleading information provided in, or false or falsified documents provided in support of, the registration application;
 - (d) the licensed health care practitioner who provided the medical document notifies the Board in writing that the use of cannabis by the registered person is no longer supported for clinical reasons;
 - (e) the registered person dies.
15. Except for the purposes of section 14(e), before revoking a registration certificate, the Board must follow the show cause procedures in the *Regulation concerning Licensing Requirements and Procedures*.

POSSESSION IN A PUBLIC PLACE

16. The maximum amount of cannabis that a registered person is authorized to possess in a public place, for his or her own medical purposes, is an amount that is equivalent to the lesser of:
 - (a) thirty (30) times the daily quantity of dried cannabis indicated in individual's registration certificate; and
 - (b) one hundred fifty (150) grams of dried cannabis

PRODUCING CANNABIS FOR MEDICAL USE

17. A registered person may produce cannabis in the production site for his or her personal medical use, in accordance with the terms of his or her registration certificate and this Regulation.

DESIGNATED PERSON

18. A registered person may apply to the Board to designate an individual, identified by the registered person, to produce cannabis for the medical purposes of the registered person.
19. The application must include the written consent of the proposed individual to act as a designated person.
20. To be eligible for be a designated person, an individual must:
 - (a) be a Kanien'kehá:ka of Kahnawà:ke;
 - (b) be the prescribe legal age;
 - (c) not have been convicted of a cannabis related offense within the past five (5) years; and
 - (d) be a "designated person" under the *Cannabis Regulations* (Canada).
21. If approved by the Board, the designated person:
 - (a) will be provided a designation certificate; and
 - (b) is entitled to produce cannabis in the production site for the medical purposes of the registered person, subject to the terms of this Regulation.
22. A registered person can also be a designated person.
23. A designated person may produce cannabis for a maximum of two (2) registered persons.

REGISTRATION AND DESIGNATION CERTIFICATES

24. The registration certificate must contain the following information:
 - (a) the given name, surname and date of birth of the registered person and, if applicable, the designated person;
 - (b) the address specified in the application under section 18 and, if applicable, the address of the place where the designated person ordinarily resides;

- (c) a unique registration number;
 - (d) the name of the licensed medical practitioner who provided the medical document that forms the basis for the registration;
 - (e) the daily quantity of dried cannabis, expressed in grams, that is specified in the medical document that forms the basis for the registration;
 - (f) the maximum quantity of dried cannabis, expressed in grams, that the registered person is authorized to possess by virtue of the registration;
 - (g) the effective date of the registration;
 - (h) the date of expiry of the registration, the date of which must correspond to the end of the period of validity of the medical document that forms the basis for the registration;
 - (i) if applicable, the type of production that is authorized, namely, production by the registered person or production by a designated person;
 - (j) if applicable, the full address of the site where the production of cannabis plants is authorized by virtue of the registration;
 - (k) if applicable, an indication of whether the authorized production area is entirely indoors, entirely outdoors or partly indoors and partly outdoors; and
 - (l) if applicable, the maximum number of cannabis plants, determined in accordance with sections 26 or 27, that may be under production at the production site by virtue of the registration and, if applicable, the maximum number of plants for each indoor and outdoor production period.
25. The requirements set out in section 24 also apply to a designated person in respect of:
- (a) cannabis in his or her possession that he or she produced in accordance with this Regulation; and
 - (b) the designation certificate referred to in section 21(a).

MAXIMUM NUMBER OF PLANTS

26. If a production site is entirely indoors, the maximum number of cannabis plants that may be under production at a production site by virtue of a registration is determined by the formula:

$$[(A \times 365) \div (B \times 3C)] \times 1.2$$

where

A is the daily quantity of dried cannabis, expressed in grams, indicated in the medical document that forms the basis of the registration certificate;

B is thirty (30) grams, being the expected yield of dried cannabis per plant; and

C is a constant equal to 1, representing the growth cycle of a cannabis plant from seeding to harvesting.

27. If a production site is entirely outdoors, the maximum number of cannabis plants that may be under production at a production site by virtue of a registration is determined by the formula

$$[(A \times 365) \div (B \times C)] \times 1.3$$

where

A is the daily quantity of dried cannabis, expressed in grams, indicated in the medical document that forms the basis for the registration certificate;

B is 250 g, being the expected yield of dried cannabis per plant; and

C is a constant equal to 1, representing the growth cycle of a cannabis plant from seeding to harvesting.

INSPECTOR

28. An individual designated as an inspector under the *Regulation concerning Cultivation, Processing and Distribution* may act as an inspector for the purposes of this Regulation.

INSPECTIONS

29. The Board may direct an inspector to inspect a production site, with or without notice to the registered person or designated person, and provide a report to the Board regarding:
- (a) the number of plants at the production site;
 - (b) the safety and security measures at the production site;
 - (c) the records being kept by the registered person or designated

person regarding the operations of the production site;

(d) any breaches of the *Kahnawà:ke Cannabis Control Law* or this Regulation the inspector observes at the production site.

30. A registered person or designated person must provide his or her full cooperation to an inspector.

31. If an inspector's report identifies any breaches of a registration certificate, a designation certificate, the *Kahnawà:ke Cannabis Control Law* or this Regulation, the Board may:

(a) provide the registered person or designated person with a written notice describing the breaches identified by the inspector and providing a direction to modify the production site or its operations to remedy the breaches;

(b) initiate show cause proceedings to revoke the registration certificate or designation certificate.

32. If a registered person or designated person fails or refuses to cooperate with an inspector, the Board may initiate show cause proceedings to revoke the registration certificate or designation certificate.

ANALYTICAL TESTING AGENT

33. A person appointed as an Analytical Testing Agent under the *Regulation concerning Cultivation, Processing and Distribution* may act as an Analytical Testing Agent for the purposes of this Regulation.

34. The Board may direct an Analytical Testing Agent to attend at a production site, with or without notice to the registered person or designated person, and obtain samples of the cannabis being cultivated and produced at the production site for the purpose of testing the cannabis to ensure it is not contaminated or otherwise unsafe, and provide a report to the Board.

35. A registered person or designated person must provide his or her full cooperation to an Analytical Testing Agent.

36. If report of an Analytical Testing Agent identifies that the cannabis being cultivated or produced at a production site is contaminated or is otherwise unsafe, the Board will:

(a) provide the registered person or designated person with a written notice summarizing the findings made by the Analytical Testing Agent and providing a direction to modify the production site or its operations to ensure the cannabis being

cultivated or produced is free of contaminants and is otherwise safe;

(b) initiate show cause proceedings to revoke the registration certificate or designation certificate.

37. If a registered person or designated person fails or refuses to cooperate with an Analytical Testing Agent, the Board may initiate show cause proceedings to revoke the registration certificate or designation certificate.

DESTRUCTION OF EXCESS

38. If a production site produces an amount of cannabis in any given three (3) month period that exceeds the maximum amount set out in a medical document, the registered person or designation person must destroy the excess amount.

39. A registered person or designated person must provide written notice of any destruction of cannabis carried out under section 38.

40. A written notice provided under section 39 must contain the following information:

- (a) a description of the type of cannabis;
- (b) the date on which the cannabis is destroyed and its pre-destruction net weight or volume on that date;
- (c) the address of the location at which the cannabis is destroyed;
- (d) a brief description of the method of destruction; and
- (e) the names of the individuals who witness the destruction.

SECURITY OF CANNABIS AND DOCUMENTS

41. A registered person who is authorized to produce cannabis, or for whom cannabis may be produced by a designated person, in accordance with this Regulation must:

- (a) take reasonable steps to ensure the security of:
 - (i) the cannabis in their possession that was produced; and
 - (ii) the registration certificate issue to the registered person;

- (b) report the theft or loss of anything referred to in paragraph (a) to the Kahnawà:ke Peacekeepers within twenty-four (24) hours after becoming aware of the theft or loss; and
 - (c) report the theft or loss of anything referred to in paragraph (a) to the Board, in writing, within seventy-two (72) hours after becoming aware of the theft or loss and include confirmation that the requirement set out in paragraph (b) has been complied with.
42. The requirements set out in section 41 also apply to a designated person in respect of:
- (a) cannabis in their possession that they produced in accordance with this Regulation; and
 - (b) the designation certificate referred to in section 21(a).

PROHIBITION

43. Cannabis that is produced by a registered person or a designated person must not be sold or distributed to any person other than the person identified in a registration certificate.
44. Notwithstanding the foregoing section 43, a registered person may reimburse a designated person a reasonable amount for the costs associated with producing cannabis for the registered person.

DISCLOSURE OF INFORMATION TO LAW ENFORCEMENT

45. The Board may disclose any of the following information to the Kahnawà:ke Peacekeepers, or any other appropriate law enforcement authority, that requests the information in the course of an investigation under the *Kahnawà:ke Cannabis Control Law* or this Regulation, on condition that the information is used only for the purposes of the investigation or the administration and enforcement of the *Kahnawà:ke Cannabis Control Law* or this Regulation:
- (a) in respect of a named individual, whether the individual is a registered person, a designated person or any other adult who is named in a registration certificate granted under section 8;
 - (b) in respect of a specified address, whether the address is:
 - (i) the place where a registered person or designated person ordinarily resides and, if so, the name of that person and the registration number, or

- (ii) the site where the production of cannabis plants is authorized under a registration and, if so, the registration number, the name of the individual who is authorized to produce and, if that individual is a designated person and the registered person is an adult, the name of the registered person; and
- (c) in respect of a registration,
- (i) the given name, surname and date of birth of the registered person and, if applicable, the designated person named in the registration certificate;
 - (ii) the full address of the place where the registered person and, if applicable, the designated person ordinarily resides;
 - (iii) the registration number;
 - (iv) the maximum quantity of dried cannabis that the registered person is authorized to possess, as indicated in the registration certificate;
 - (v) the effective date and date of expiry of the registration;
 - (vi) the full address of the site where the production of cannabis plants is authorized;
 - (vii) whether the authorized production area is indoors, outdoors or partly indoors and partly outdoors; and
 - (viii) the maximum number of cannabis plants that may be produced at the production site and, if applicable, the maximum number of cannabis plants that may be produced for each indoor and outdoor production period.

PENALTIES

46. A registered person or a designated person that breaches a provision of this Regulation is liable to:
- (a) a non-compliance warning;
 - (b) suspension or revocation of his or her registration; or
 - (c) a fine up to one Hundred Thousand (\$100,000.00) Dollars per breach.
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REGULATIONS CONCERNING ACCESS TO CANNABIS FOR MEDICAL PURPOSES

SCHEDULE "A"

APPLICATION TO BE REGISTERED

All information provided by the applicant to the Kahnawà:ke Cannabis Control Board (the "Board") will be held in the strictest confidence and will not be used by the Board for any purpose other than matters pertaining to this application. However, information provided by the applicant to the Board will be made available to the Board's agents, third-party investigators and may be made available in whole or in part to other regulatory agencies.

Application type (check only one):

New application

Renewal

Applicant information

Name: _____

Mailing address: _____

Residential address (if different from the mailing address):

Telephone number: _____

Email address: _____

My prescription or medical document is attached

Proposed type of production of cannabis

Personal use (I plan to produce my own cannabis)

Production by Designated Person (I plan to have a designated person produced cannabis for me)

Will you need to obtain starting material (i.e. seeds) from a Licensed Producer?

Yes No

Will you need to obtain an interim supply from a Licensed Producer?

Yes No

Authority to communicate to Kahnawà:ke Peacekeepers

To reduce the possibility of police intervention when you engage in activities allowed under your registration, the Board may communicate limited information to the Kahnawà:ke Peacekeepers in response to a request in the context of an investigation. By signing below, I give my authority to the Board to communicate with the Kahnawà:ke Peacekeepers as the Board deems necessary.

I attest that the information on this form is correct and complete.

Signature: _____

Name: _____

(Please Print)

Date: _____

Kahnawà:ke Cannabis Control Law
Regulation concerning Access to Cannabis for Medical Purposes
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