

---

---

Fifth Session, Forty-second Parliament  
2 Charles III, 2024  
Legislative Assembly of British Columbia

---

---

**BILL M 209**

**BUSINESS PRACTICES AND CONSUMER  
PROTECTION (GREENWASHING PREVENTION)  
AMENDMENT ACT, 2024**

---

---

Ms. Sonia Furstenau

---

---

## Explanatory Notes

- CLAUSE 1: *[Business Practices and Consumer Protection Act, section 1]* adds a definition of “greenhouse gas”.
- CLAUSE 2: *[Business Practices and Consumer Protection Act, section 4]* provides that certain representations relating to greenhouse gas emissions constitute deceptive acts or practices.
- CLAUSE 3: *[Business Practices and Consumer Protection Act, Part 2.1]* adds a Part requiring suppliers who make climate-related representations to disclose prescribed information and meet prescribed standards and criteria with respect to various matters.

**BILL M 209 – 2024**

**BUSINESS PRACTICES AND CONSUMER  
PROTECTION (GREENWASHING PREVENTION)  
AMENDMENT ACT, 2024**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1** *Section 1 (1) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, is amended by adding the following definition:*

“greenhouse gas” has the same meaning as in the *Climate Change Accountability Act*; .

- 2** *Section 4 is amended by adding the following subsection:*

(4) Without limiting subsections (1) and (3), a representation constitutes a deceptive act or practice if the effect of the representation is misleading with respect to one or both of the following:

- (a) the greenhouse gas emissions associated with goods or services or with a supplier’s business;
- (b) the reduction, avoidance or offsetting of the greenhouse gas emissions referred to in paragraph (a).

- 3** *The following Part is added:*

**PART 2.1 – CLIMATE-RELATED REPRESENTATION**

**Definitions**

- 14.1** In this Part:

“**climate-related representation**” means a representation, made in relation to a consumer transaction, that relates to one or both of the following:

- (a) the greenhouse gas emissions associated with goods or services or with a supplier’s business;
- (b) the reduction, avoidance or offsetting of the greenhouse gas emissions referred to in paragraph (a);

“**representation**” has the same meaning as in Division 1 of Part 2.

CLAUSE 3: *[Business Practices and Consumer Protection Act, Part 2.1 – continued]*

CLAUSE 4: *[Business Practices and Consumer Protection Act, section 164]*

- adds to the list of contraventions for which the director may impose an administrative penalty;
- requires the director to consider adverse environmental impacts of a contravention before imposing an administrative penalty.

CLAUSE 5: *[Business Practices and Consumer Protection Act, section 165]* sets out maximum administrative penalties.

**Requirements applicable to climate-related representations**

- 14.2** A supplier must not make a climate-related representation unless
- (a) the supplier discloses, on a publicly accessible website maintained by the supplier, the prescribed information respecting the basis for the climate-related representation,
  - (b) the supplier meets the prescribed standards with respect to
    - (i) the use of terminology,
    - (ii) methods of accounting for greenhouse gas emissions, and
    - (iii) other prescribed matters, and
  - (c) if the representation refers to a program for offsetting greenhouse gas emissions, the program meets the prescribed standards and criteria.

**4** *Section 164 is amended*

*(a) in subsection (1) by repealing paragraph (a) and substituting the following:*

- (a) any of the following provisions:
  - (i) section 5 (1), in relation to a deceptive act or practice described in section 4 (4);
  - (ii) section 14.2;
  - (iii) a prescribed provision of this Act or the regulations, , *and*

*(b) in subsection (2) by adding the following paragraph:*

- (c.1) whether the contravention had real or potential adverse environmental impacts, including by undermining action to mitigate climate change; .

**5** *Section 165 is repealed and the following substituted:*

**Amount of penalty**

- 165** (1) An individual on whom an administrative penalty is imposed is liable to a penalty of not more than
- (a) \$100 000, in the case of an administrative penalty imposed for a contravention referred to in section 164 (1) (a) (i) or (ii), or
  - (b) \$5 000, in any other case.
- (2) A corporation on which an administrative penalty is imposed is liable to a penalty of not more than
- (a) \$1 000 000, in the case of an administrative penalty imposed for a contravention referred to in section 164 (1) (a) (i) or (ii), or
  - (b) \$50 000, in any other case.

CLAUSE 6: *[Business Practices and Consumer Protection Act, section 179.1]* requires the Business Practices and Consumer Protection Authority to publish information about compliance and enforcement actions taken in relation to representations involving the environment or greenhouse gas emissions.

CLAUSE 7: *[Business Practices and Consumer Protection Act, section 189]* provides that the contravention of a provision added by this Bill to the Act constitutes an offence.

CLAUSE 8: *[Business Practices and Consumer Protection Act, section 190]* narrows the application of a provision setting out maximum fines for offences, consequential to section 190.1, as added by this Bill to the Act.

CLAUSE 9: *[Business Practices and Consumer Protection Act, section 190.1]* sets out the maximum fines for offences for contravening provisions added by this Bill to the Act.

**6      *The following section is added to Part 11:***

**Reporting by administrative authority – environmental  
and climate-related representations**

- 179.1** (1) If the administrative authority is designated as a director, the administrative authority must publish, within 30 days after the end of each fiscal year of the administrative authority, the following information with respect to the fiscal year:
- (a) whether the administrative authority carried out any inspections, and if so, the number of inspections, to determine compliance with
    - (i) section 5 (1), in relation to representations respecting the impact of a supplier's business on greenhouse gas emissions or the environment, or
    - (ii) section 14.2;
  - (b) whether the administrative authority took action under section 154 (1), 155 (1) or 164 (1) as a result of an inspection referred to in paragraph (a), and if so, the number of actions taken under each of those provisions.
- (2) The information referred to in subsection (1) must be posted on a publicly accessible website maintained by the administrative authority.

**7      *Section 189 (2) is amended by adding the following paragraph:***

- (c.1) section 14.2 [*requirements applicable to climate-related representations*]; .

**8      *Section 190 is amended by adding the following subsection:***

- (0.1) This section does not apply to a person who commits an offence in relation to a contravention referred to in section 190.1 (1).

**9      *The following section is added:***

**Penalty – climate-related representations**

- 190.1** (1) This section applies to a person who commits an offence in relation to a contravention of
- (a) section 5 (1), if the contravention arises from a deceptive act or practice described in section 4 (4), or
  - (b) section 14.2.
- (2) An individual who commits an offence referred to in subsection (1) is liable to a fine not exceeding \$200 000 for each day on which the offence occurs or continues or to imprisonment for not more than 12 months, or to both.
- (3) A corporation that commits an offence referred to in subsection (1) is liable to a fine not exceeding \$1 000 000 for each day on which the offence occurs or continues.

CLAUSE 9: *[Business Practices and Consumer Protection Act, section 190.1 – continued]*

CLAUSE 10: *[Business Practices and Consumer Protection Act, section 191]* adds a cross-reference to a provision added by this Bill to the Act.

CLAUSE 11: *[Business Practices and Consumer Protection Act, section 194.1]* adds regulation-making powers in relation to provisions added by this Bill to the Act.



- (4) Despite subsections (2) and (3), the court may, in relation to the first day on which an offence occurs or continues, increase a fine imposed under this section by an amount of up to
  - (a) 3 times the court's estimation of the amount of monetary benefit acquired or accrued as a result of the commission of the offence, or
  - (b) in the case of a fine imposed on a corporation, if the amount referred to in paragraph (a) cannot reasonably be determined, 3% of the corporation's annual worldwide gross revenues.

**10** *Section 191 (1) is amended by adding “or 190.1 [penalty – climate-related representations]” after “section 190 [penalty]”.*

**11** *The following section is added:*

**Climate-related representations**

- 194.1** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing information for the purposes of section 14.2 (a), including, without limitation, information respecting
    - (i) greenhouse gas emissions associated with the lifecycle of goods or services and the methodologies used in quantifying those emissions,
    - (ii) programs for offsetting greenhouse gas emissions, including, without limitation, with respect to methodologies, monitoring, reporting or verification, or
    - (iii) plans or targets for reducing, avoiding or offsetting greenhouse gas emissions;
  - (b) prescribing standards for the purposes of section 14.2 (b) and matters for the purposes of section 14.2 (b) (iii);
  - (c) prescribing standards or criteria for the purposes of section 14.2 (c), including, without limitation, with respect to methodologies, monitoring, reporting or verification.
- (2) In making a regulation for the purposes of section 14.2, the Lieutenant Governor in Council may adopt by reference, in whole, in part or with any changes considered appropriate, a regulation, code, standard or rule
- (a) enacted as or under a law of another jurisdiction in or outside Canada, or
  - (b) set by a provincial, national or international body or any other code-, standard- or rule-making body
- as the regulation, code, standard or rule stands at a specific date, as it stands at the time of adoption or as amended from time to time.

**Commencement**

**12** This Act comes into force by regulation of the Lieutenant Governor in Council.