



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Hamidah Meghani, Commissioner and Medical Officer of Health
Date:	November 21, 2018
Report No. - Re:	MO-26-18 - Update on Cannabis Legislation

RECOMMENDATION

THAT Report No. MO-26-18 re: "Update on Cannabis Legislation" be received for information.

REPORT

Executive Summary

- On October 17, 2018 the use of non-medical cannabis became legal in Canada, and dried cannabis and cannabis oil became available for sale in Ontario.
- The *Cannabis Statute Law Amendment Act, 2018* amends and enacts other Acts that outline new rules for cannabis legalization in Ontario, including a private cannabis retail model regulated by the Alcohol and Gaming Commission of Ontario and expanded public consumption in places where tobacco use is permitted.
- The newly enacted *Cannabis Licence Act, 2018* prohibits municipalities who have not opted out of allowing cannabis retail sales from exercising location and density control through licensing or land-use by-laws (e.g. minimum distances from child care centres and other sensitive areas).
- The Provincial Government has stated that municipalities will be permitted to enact by-laws on places of use not addressed in the *Smoke-Free Ontario Act, 2017* to decrease second-hand smoke exposure and normalization of cannabis (e.g. protection near entranceways to public buildings, workplaces, transit stops and on post-secondary campuses).
- Halton Region Health Department is responsible for health promotion, monitoring and surveillance activities related to cannabis in Halton. It will also be responsible for progressive enforcement for places of use of cannabis as per the *Smoke-Free Ontario Act, 2017*.

Background

The Federal Government introduced Bill C-45, the *Cannabis Act*, on April 13, 2017 to legalize the sale, possession and use of cannabis in Canada.

In October, 2017, Report No. MO-27-17 re: “Update on Cannabis Legislation” was accepted by Council. This report described the Federal Government’s framework and proposed controls on the production, distribution, sale and possession of cannabis across Canada. This report also highlighted the Lower-Risk Cannabis Use Guidelines, which identify behaviours that can influence the risk of health harms from cannabis use.

In December, 2017, the Provincial Government passed Bill 174, the *Cannabis Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*. The Act set a minimum age of 19 years for people to purchase and possess up to 30 grams of cannabis in Ontario. The Act also permitted Ontarians to grow up to four plants per household and introduced strict penalties for impaired driving. Under this previous leadership, a government-controlled storefront and retail model was developed and cannabis use was limited to designated private residences.

On September 27, 2018, the new Provincial Government introduced Bill 36, *Cannabis Statute Law Amendment Act, 2018*, which makes significant changes to Ontario’s cannabis framework. Attachment #1 is a briefing from the Association of Municipalities of Ontario, *Briefing: Municipal Governments in the Ontario Recreational Cannabis Framework*. Bill 36 received Royal Assent on October 17, 2018, which enacts the *Cannabis Licence Act, 2018* and makes changes to the *Smoke-Free Ontario Act, 2017*, among others. The *Smoke-Free Ontario Act, 2017* was amended to include cannabis, which means that Ontarians can smoke and vape cannabis in places where smoking tobacco and using e-cigarettes are allowed under this Act.

The *Cannabis Licence Act, 2018*, once proclaimed, will apply a new private retail model for cannabis. The Alcohol and Gaming Commission of Ontario will regulate cannabis retail outlets, which are anticipated to open on April 1, 2019. Between October 17, 2018, and April 1, 2019, the only legal option for purchasing non-medical cannabis in Ontario will be through the Ontario Cannabis Store website. Any cannabis retail stores operating without a license from AGCO are illegal. Under the *Cannabis Licence Act, 2018*, local municipalities will have a one-time opportunity to opt out of allowing private retail stores to sell cannabis in the municipality by passing a resolution by January 22, 2019. This opt-out can be reversed, but will then become final. The *Cannabis Licence Act, 2018* does not establish a cap on the number or density of cannabis retail outlets in a community. The Act does allow provincial regulation to establish a minimum separation distance from schools and other land uses. It is anticipated that provincial regulation under the Act will be passed by December 2018.

On October 17, 2018 the use of non-medical cannabis became legal in Canada, and dried cannabis and cannabis oil became available for sale in Ontario. The Federal

Government has indicated that it intends to permit edible cannabis products and concentrates for sale at a later date.

Discussion

Implications for Municipalities

The following sections provide additional detail on the implications for municipalities regarding the various changes coming into force with the enactment of the *Cannabis Statute Law Amendment Act, 2018* and highlight where municipalities may be able to influence the sale or use of cannabis in their communities.

Retail

According to the *Cannabis Licence Act, 2018*, municipalities that have not opted out of allowing private retail stores will not be able to use licensing or land-use by-laws to control the location or density of cannabis retail outlets. However, municipalities, including upper-tier municipalities, and the public will be able to provide feedback to the Alcohol and Gaming Commission of Ontario on proposed outlet locations by written submission within a 15-day notification period.

The placement of cannabis retail outlets is important because research related to alcohol and tobacco use has shown that increased availability of a substance results in increased consumption and related health and social harms. The *Cannabis Licence Act, 2018* requires that cannabis retail outlets must be a specified distance from schools, but does not include other evidence-based restrictions to limit the availability of cannabis.

When developing written submissions, municipalities may consider recommending that cannabis retail outlets are:

- located at a sufficient distance from youth-serving facilities and sensitive areas such as child care centres, community centres and low socioeconomic neighbourhoods
- located at a sufficient distance between cannabis retail outlets and between cannabis and alcohol or tobacco retail outlets
- limited in number and density
- restricted from operating in early morning and late night hours

Attachment #2 provides additional information about cannabis retail outlet considerations.

Attachment #3 provides information about support for cannabis related policies among Halton residents aged 18 and over. As outlined in this attachment, there is a high level of support among Halton residents for limits on the availability of cannabis. In 2017, 83% of Halton adults agreed that cannabis stores should not be located near childcare centres, schools, community centres or other cannabis retailers. Seventy-nine percent also agreed that there should be a limit to the number of stores selling cannabis.

Places of Use

Amendments to the *Smoke-Free Ontario Act, 2017* prohibit the smoking of cannabis (medical and non-medical cannabis) in the same places where the smoking of tobacco and the use of e-cigarettes are prohibited.

The Act prohibits smoking and vaping of cannabis in the following places:

- enclosed public places;
- enclosed workplaces;
- indoor common areas in condos, apartment buildings and university/college residences
- school properties and public areas within 20 metres of the property;
- recreational facilities and public areas within 20 metres of the property;
- sports fields, adjacent spectator areas and public areas within 20 metres of the property (excluding golf courses);
- children's playgrounds and public areas within 20 metres of the property;
- hospital grounds including public, private and psychiatric facilities;
- child care facilities licensed under the *Child Care and Early Years Act, 2014*;
- home child care settings, including any outdoor spaces used by the children; and
- restaurant and bar patios and public areas within nine metres of a patio

Evidence from tobacco control has shown that healthy public policies that restrict public consumption effectively decrease second-hand smoke and vapour exposure and reduce the normalization of use. Halton Region staff submitted recommendations, as part of a consultation on amendments to the *Smoke-Free Ontario Act, 2017* (see Attachment #4), regarding such policies. In order to further protect residents and vulnerable populations, municipalities and other organizations may consider prohibiting cannabis use in areas not covered by the *Smoke-Free Ontario Act, 2017* such as public beaches, entranceways to child care centres, public buildings and workplaces, transit stops and post-secondary campuses. The Provincial Government has indicated that municipalities will be permitted to pass by-laws further restricting the smoking of cannabis.

Advertising and Marketing

Research related to alcohol and tobacco has shown that advertising, marketing and sponsorship of products significantly influences consumption. The federal *Cannabis Act* will strictly control advertising and promotion of cannabis that is targeted towards or can be seen by young people.

In 2017, 91% of Halton adults agreed that there should be restrictions on cannabis advertising (see Attachment #3). Municipalities can contribute by creating policies to prohibit cannabis promotion on municipal property, municipal vehicles and at municipal events.

Public Health Responsibilities

Halton Region Health Department, in collaboration with community stakeholders, is responsible for implementing evidence-based strategies to reduce preventable harms associated with cannabis use. A progressive enforcement approach will be employed by public health inspectors to enforce provisions under the *Smoke-Free Ontario Act, 2017* related to smoking and vaping of cannabis in prohibited places.

Health Promotion

The Health Department will work to implement a population health approach, which will include addressing the needs of priority populations in an effort to decrease health inequities. Priority populations include youth, pregnant women, breastfeeding women, individuals with low socioeconomic status, and individuals who have a personal or family history of mental health or substance use issues. These populations are a priority for health promotion activities because they may be more vulnerable to experiencing health or social harms from cannabis use.

The Health Department will use a comprehensive health promotion approach to delay cannabis use, prevent problematic use and reduce the harms associated with use through the implementation of the following activities:

- crafting and disseminating cannabis health messages using various channels, such as social media, print media, community presentations and Halton.ca website
- supporting the development of healthy public policies in various settings, including multi-unit dwellings, post-secondary campuses, and municipalities
- participating on coalitions with community partners to facilitate knowledge exchange and collective action, for example, Halton Road Safety Collaborative
- building the capacity of health care providers to screen for cannabis use and provide information to patients about evidence-based harm reduction strategies

Enforcement

The Minister of Health and Long-Term Care designates inspectors to enforce certain provisions of the *Smoke-Free Ontario Act, 2017*. In Halton, Public Health Inspectors will enforce the restrictions on places of cannabis use.

The Ministry of Health and Long-Term Care is expecting public health units to employ a progressive enforcement approach. This approach is based on the frequency, severity and level of non-compliance, and the likelihood of continued non-compliance. Education will precede warnings and laying of charges under the legislation.

Halton Regional Police Service will continue to respond to and investigate complaints involving:

- possession and consumption of cannabis by youth (under the age of 19), regardless of the location;
- alleged illegal sale and distribution of cannabis, especially to youth.

- cannabis consumption in a motor vehicle or on a boat; and
- drug-impaired driving

Monitoring and Surveillance

Attachment #5 provides information about cannabis use among Halton and Ontario residents. As noted in this attachment, in 2015-16, 43% of Halton residents aged 12 and over reported having ever used cannabis in their lifetime and 12% reported having used cannabis in the past year. Lifetime and past year cannabis use was highest among young adults aged 18-24.

The Health Department will continue to monitor trends in cannabis use in Halton, as well as public awareness, perceptions and experiences of issues related to cannabis through local health surveys such as the Canadian Community Health Survey and Rapid Risk Factor Surveillance System.

In addition, staff will continue to track developments related to the rollout of cannabis legislation.

FINANCIAL/PROGRAM IMPLICATIONS

There are no direct financial implications associated with this report. The Health Department will continue to monitor its role related to cannabis legalization and report financial implications as appropriate.

Respectfully submitted,



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Approved by



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Attachments: Attachment #1 – Association of Municipalities Ontario Briefing
Attachment #2 – Cannabis Retail Outlet Considerations for Halton Municipalities
Attachment #3 – Community Support for Policies Related to Cannabis Indicator Report
Attachment #4 – Consultation on amendments to the Smoke-Free Ontario Act, 2017, and
amendments to Ontario Regulation 268/18
Attachment #5 – Cannabis Use Health Indicator Report



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Briefing: Municipal Governments in the Ontario Recreational Cannabis Framework

What Ontario Municipal Governments Need to Know About What Has and Has Not Changed

Introduction

In 14 days, it will be legal in Canada to possess or use cannabis subject to certain limits. The federal government amended the Criminal Code to enable Canadians to buy, sell and consume cannabis and cannabis products. Under federal legislation, Health Canada administers the licensing regime for recreational cannabis growers. These licensed producers serve as the sole source of legal recreational cannabis in Canada. The federal framework includes rules regulating grow operations as well as the advertisement and promotion of cannabis, which is strictly controlled to protect youth.

Under federal legislation, provinces are responsible for establishing wholesale and retail distribution systems. Jurisdiction over rules regarding where individuals can consume cannabis also resides with the provinces. ■

Ontario's Approach:

The key proposed amendments in Bill 36 are:

- i) to allow private sector retail stores where a municipal government has not opted out of retail sales;
- ii) establish the Alcohol and Gaming Commission of Ontario (ACGO) as the retail store licensing body and
- iii) align cannabis consumption rules with tobacco places of use under the *Smoke Free Ontario Act*.

For a breakdown of changes proposed by the legislation, [click here](#). ■

Retail Distribution on 17.10.18:

Ontario residents will be able to order cannabis legally from the Ontario Cannabis Retail Corporation (OCRC) starting October 17, 2018. The OCRC will be the only legal distributor for wholesale cannabis to retailers and the on-line retailer to the public. Delivery is conditional on the person ordering and receiving the cannabis product being an Ontario resident and 19 years of age or over. Identification is required. Packages cannot be left unattended in a building or home. ■

Places of Use:

If Bill 36, as proposed, becomes law on October 17, smoking recreational cannabis will be legal where tobacco consumption is permitted under the *Smoke Free Ontario Act*. It is illegal to smoke tobacco in enclosed workplaces, restaurants, bars and patios, schools, near playgrounds and publicly owned sports facilities and other locations. Municipal governments can also enact stricter by-laws on places to smoke in their communities. This allows municipal governments to reflect community preferences for the safety of residents and to balance public enjoyment of the community. However, in considering stricter requirements, municipal governments should also consider the cost of enacting locally determined rules and how they will be enforced. ■

Take Away:

The proposed rules governing where it is legal to smoke cannabis are changing. Public Health Units enforce the SFOA smoking rules. Municipal governments can pass stricter smoking by-laws but will need to consider cost and enforceability.

Provincial Licensing of Retail Stores:

The new legislation authorizes the Alcohol and Gaming Commission of Ontario (AGCO) to license and regulate private cannabis retail in the province.

The AGCO will establish processes for Retail Operator Licensing and Retail Store Authorization for retail cannabis stores in communities where municipal governments have not opted out. The AGCO and police will also be responsible for inspections and enforcement of the Act. Municipal official plans, zoning approvals and licensing by-laws will not apply. The AGCO has three licensing functions:

- The AGCO will be responsible for licensing cannabis Retail Store Operators. Licensing will be subject to criminal and financial eligibility checks. The AGCO is aiming to open the application process for store operator licenses in December 2018.
- Once a specific cannabis retail site has been proposed, the AGCO will be responsible for determining and granting Retail Store Authorization.
- The AGCO will also license Cannabis Store Retail Managers employed in senior positions at retail locations.

The AGCO will charge fees to cover the cost of administering of the licensing and retail store authorization processes.

The AGCO will provide municipal governments and the public with a 15-day notification period of a proposed store site to receive public input and hear concerns from the local community. Under the proposed law, the AGCO will consider comments from both the lower and upper tier municipality. The public notification of a proposed cannabis retail site will also be posted on the building and on the AGCO's website.

Further details as to how the public notification process will work are not yet available. In providing comments, the Bill says municipal governments must have regard to the needs and wishes of residents. AMO is seeking clarity on what this means since cannabis retail siting is exempt from typical land use planning processes.

Store locations will need to observe a minimum distance from schools. This distance will be specified in regulation. AMO is seeking clarity on how other local sensitive uses will be considered by the AGCO in its decision-making process.

There is no cap on the number of storefronts, leaving it to market demand to decide locations and the number of stores. However, there is regulatory flexibility in the Act to set concentration limits to ensure one or a few operators do not dominate the retail market.

It is unclear if a cannabis retail store would need to be located within a municipal commercial zone where retail is a permitted use or in any zone where retail is permitted.

AMO had hoped that municipal governments would have greater opportunity to influence store locations to protect other sensitive sites and the density of stores in their communities. This is an ongoing interest of municipal governments and will form part of AMO's continuing work, including engagement on regulatory development.

The first retail stores are to be operational April 1, 2019, after all licenses and authorizations are in place. It is presumed that all store locations will be required to be compliant with the Ontario Building Code and Fire Code. ■

Take Away:

The AGCO will license operators, approve store sites proposed by licensed operators and license cannabis retail managers to work in retail stores. Where municipal governments have not opted out, a 15-day notice period will allow comments from the public and municipal governments.

Regulations will set minimum distances from schools for retail locations. The government may also pass regulations to control market concentration of a single retail operator or corporation.

At this point it is unknown whether local zoning compliance will be needed for site approval.

AMO will continue to seek opportunities for municipal influence over store locations and density.

Municipal Opt Out of Cannabis Retail:

Municipal governments (defined in the Act as a local municipality) have a one-time opportunity to opt out of cannabis retail in their communities. There is no time period for a local municipality to opt back in via resolution. If the opt out is reversed by a municipal government, that decision is final.

To opt out, municipal councils must pass a resolution by January 22, 2019 stating they do not wish to host cannabis retail stores in their communities. The resolution must be sent to the AGCO. The AGCO's receipt of this resolution will automatically cancel any outstanding applications for a storefront in the municipality. The AGCO will keep a public list of communities that have opted out of hosting cannabis retail

stores. Operators will not be able to propose a store location or locations in those communities. The Minister of Finance will track municipal governments who opt out as this may impact the distribution of funding to help with costs. ■

with additional fines per day that the offence continues). These fines are levied under the *Provincial Offences Act* (POA). If successfully prosecuted and collected, the fine is paid to the municipal government. ■

Take Away:

Municipal governments can opt out of hosting recreational cannabis retail storefronts in their communities by January 22, 2019 by sending a resolution to the AGCO. This opt out can be reversed but any decision to opt in is final.

Opting out may affect the portion of cannabis excise tax funds a municipal government is eligible to receive.

Take Away:

The first legal cannabis retail storefronts will open on April 1, 2019. To be eligible to receive an operator license, current illegal dispensaries must close before October 17. Any stores operating in Ontario without AGCO licenses are illegal and subject to police enforcement and prosecution.

POA fines apply.

Illegal Storefronts - Dispensaries:

Recreational cannabis is illegal until October 17, 2018. In Ontario, cannabis retailers MUST have AGCO operator licenses, site authorizations and employ authorized staff. They must also display a seal. To be eligible for AGCO authorizations, current illegal cannabis retailers will need to shut down prior to October 17, 2018. They may then apply for a retail operator license unless charged under federal or provincial cannabis legislation that comes into effect October 17. This may impact the closure of current illegal dispensaries without police intervention.

Unauthorized sales of cannabis are subject to significant POA fines (up to \$250,000 for individuals and \$1,000,000 for corporations, with additional fines per day that the offence continues) and police can issue closure orders to prevent unauthorized retail sites from reopening. Landlords can also be charged for permitting their property to be used in contravention of the Act (up to \$250,000 for individuals and \$1,000,000 for corporations,

Enforcement:

Police will enforce the federal and provincial cannabis legislation. The federal government has provided funds to police forces for training and the Ontario government has worked with Ontario Provincial Police and municipal police forces to increase the number of officers trained in the Standard Field Sobriety Test and as Drug Recognition Experts.

The AGCO will enforce licensing, renewals and adherence to any conditions. This will include inspections of store operations, the financial practices of the operators, ensuring licensed personnel are working in stores as required and discharging their duties appropriately, ensuring rules regarding sales are followed, etc. Contravention of provincial and federal requirements and laws can result in the revocation of operator licenses.

Public Health Units enforce the SFOA currently and deal with places of use for tobacco. Cannabis use enforcement will be added to these duties since the locations will be the same as now, unless municipal governments pass stricter smoking by-laws. Passing and enforcing stricter local smoking by-laws may increase local public health unit budgets for municipal governments.

Bill 36 includes provisions for municipal government councils to request that the Minister authorize in writing for local by-law enforcement officers to enforce the Act. This may be a preferred option longer term for new councils to consider after learning more about the transition impact of legalization.

The federal *Cannabis Act* strictly controls the operations of licensed growers as well as the advertising and promotion of cannabis. Growers must adhere to strict security requirements and seed to sale tracking of their products under the terms of Health Canada registration. Rules and regulations regarding

promotion and advertising also have the effect of banning cannabis promotion through mass advertisement channels because of youth access to these mediums. Section 23 of the federal *Cannabis Act* also pertains to the display of advertisements and could impact municipal governments who display third party ads. Fines and penalties can be levied against an entity for disseminating prohibited cannabis promotions. Where municipal governments own advertising vehicles (such as transit ads or street furniture, etc.) they may wish to consider prohibiting advertising related to this activity. ■

Take Away:

Police forces will enforce road safety and illegal storefronts. The province has provided training to police officers and is working to expand Drug Recognition Expert training. Public Health Units will enforce smoke free Ontario rules.

AGCO will inspect, investigate and enforce rules for registered operators and stores, including financial practices and illegal activities, if any.

Federal cannabis advertising rules are strict. Municipalities should ensure that their policies for transit and other municipal advertising channels are in line with these requirements.

Municipal Funding:

The transition to legal recreational cannabis will impact local services and municipal government functions including: policing, public health, bylaw enforcement and potentially paramedic services.

To help manage these municipal impacts, the provincial government has confirmed that it will honour its commitment to provide municipal governments with \$40 million of Ontario's portion of the federal excise tax on cannabis with a 50/50 provincial-municipal split if Ontario's revenues exceed \$100 million in the first two years. The commitment is:

- \$40 million over two years to municipal governments.
- At least \$10,000 for each municipal government with \$5,000 distributed to all municipalities as soon as possible. Another \$5,000 will be distributed in 2019.
- For municipal governments allowing stores, additional funding will be distributed on a per household basis. The province will also maintain a contingency fund to support additional and unanticipated costs.

Clearly, the provincial funding provides an incentive to municipal governments to allow private cannabis retail in their communities. There has been a sense that the federal excise tax amount will not cover provincial or municipal costs. Legal recreational cannabis is new to everyone. Some costs may increase such as nuisance calls, while others, such as police enforcement, may decrease. At this point, we do not know the impact. AMO urges municipal governments to track costs for **additional** work relating to the transition to legal recreational cannabis so data is available to protect local finances and services. ■

Take Away:

All municipal governments will receive at least \$10,000 to help transition to legal recreational cannabis in our communities.

Communities that decide to allow retail storefronts will receive \$10,000, plus per household funding, and will be eligible for a share of 50 per cent of the surplus funding if the province's share of federal excise tax exceeds \$100 million in the first two years.

Municipal governments must track additional expenditures related to legalized recreational cannabis.

Licensed Producers and Medical Cannabis:

Cannabis growing operations are licensed by Health Canada for medical and recreational cannabis products. It is also legal for residents to grow up to four plants per residence for personal use.

Medical cannabis users will continue to access cannabis in the same way as they do now. For some, that means that they order from licensed producers and Canada Post delivers their cannabis. Others grow their own for their personal medical use. Others still designate growers to provide the cannabis they need to manage their medical needs. It is anticipated this will continue, though some current and future patients may elect to get their cannabis from the recreational market if their specific requirements are met. The courts have upheld access to medical cannabis, including through designated growers.

As proposed, Bill 36 will also allow cannabis growers licensed by Health Canada to apply to operate one retail facility at a growing location.



This responds to the desire of cannabis producers to have vertically integrated cannabis operations. AMO understands this may function somewhat like retail operations at Ontario wineries and breweries.

AMO's Board has sought greater control for municipal governments over cannabis growers to ensure community concerns can be acted upon, such as through planning and licensing controls. For municipal governments that may be challenged working with some of these growers, we advise continued engagement and monitoring through the transition period. ■

Take Away:

It is illegal to grow more than four plants per residence.

Medical cannabis users are able to continue accessing cannabis in their currently preferred method(s). In some communities, there may be concerns about conflicts between some growers and their neighbours. The courts have upheld this activity as part of a patient's right to access medicine.

Licensed Producers in Ontario will be able to open one store at one location to retail their products.

Next Steps:

Municipal governments do not need to rush to make an opt-out decision. They have until January 22nd at the latest. Our advice is for new councils (post municipal election) to wait to have a full understanding of the legislative authority (once it is passed), the content of regulations (yet to be tabled) and an understanding of the AGCO's process for dealing with retail store licenses and store authorizations before making a decision to opt out. AMO is preparing to present to the Standing Committee reviewing the legislation on municipal concerns and challenges and seek any amendments deemed necessary. Municipal governments that have suggested amendments are urged to get in touch with AMO ASAP.

AMO is committed to advocating for municipal interests and providing as much assistance to members to facilitate local decision-making. Aspects of this will become more apparent over the coming weeks. AMO encourages municipal officials to bookmark the AMO website to keep up to date, and to reference other information. ■

Cannabis Retail Outlet Considerations for Halton Municipalities

Regulating the availability of cannabis is important to reduce the negative impacts of cannabis use in Halton communities.¹ Lessons from alcohol and tobacco have shown that increased availability to a substance results in increased consumption, which can lead to significant health and social harms and costs.^{2,3}

The newly enacted Cannabis License Act, 2018 sets the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator of cannabis retail outlets. For municipalities that have not opted out of having private cannabis retail outlets in their communities by January 22, 2019, the location of outlets will be determined by the AGCO with consideration of comments provided by municipalities. The legislation does not permit municipalities to utilize licensing or land-use by-laws to control the placement or number of cannabis retail outlets.⁴

Organizations such as the Association of Municipalities Ontario continue to advocate that municipalities be given greater opportunity to influence cannabis retail outlet locations and density.⁴ Where municipalities are able to influence decisions about cannabis retail outlets, the following information may be helpful.

ISSUE

High retail outlet density can contribute to increased consumption and harms^{5,6,7,8}

Retail outlet proximity to youth-serving facilities can normalize and increase substance use^{11,12}

Co-use of cannabis and other substances increases the risk of harm such as impaired driving¹

Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents^{8,9}

Longer retail hours of sale significantly increases consumption and related harms^{5,16}

CONSIDERATIONS

Reduce cannabis retail outlet density through minimum distance requirements between cannabis retail outlets and limits on the overall number of outlets⁹

Example: The [City of Calgary](#) has enacted a 300m separation distance between cannabis stores.¹⁰

Prevent the role-modeling of cannabis use and reduce youth access through minimum distance requirements from youth-serving facilities such as schools, child care centres and community centres^{1,12}

Example: The [State of Washington](#) has enacted a 1000ft (300m) separation distance requirement between cannabis retail stores and youth-serving facilities.¹³

Discourage the co-use of cannabis and other substances by prohibiting co-location and enacting minimum distance requirements between cannabis and alcohol or tobacco retail outlets^{1,9}

Example: KFL&A Public Health recommend a 200m separation distance between cannabis retail outlets and alcohol or tobacco retail outlets¹⁴

Protect vulnerable residents by limiting cannabis retail outlets in low socioeconomic neighborhoods and enacting minimum distance requirements from other sensitive areas^{4,9}

Example: The [City of Vancouver](#) has restricted medical cannabis retail outlets to commercial zones instead of residential ones.¹⁵

Reduce cannabis consumption and harms by limiting late night and early morning retail hours^{4,16}

Example: The Centre for Addiction and Mental Health recommends that cannabis retail hours reflect those established by the LCBO¹⁶

DID YOU KNOW?

There is a high level of support among Halton adults for policies related to the access and sale of cannabis products. In 2017 among Halton adults:



79% agreed that there should be a limit to the number of stores selling cannabis¹⁷



83% agreed that cannabis stores should not be located near child care centres, schools, community centres or other cannabis retailers¹⁷

RESOURCES

[Association of Municipalities Ontario - Municipal Governments in the Ontario Recreational Cannabis Framework](#)

[Alberta Health Services - Recommendations on Cannabis Regulations for Alberta Municipalities](#)

[Federation of Canadian Municipalities – Municipal Guide to Cannabis Legalization](#)

[Halton Region Health Department – Community Support for Policies Related to Cannabis](#)

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15. City of Vancouver (2018). Regulations for medical-marijuana related businesses. Available from: <https://vancouver.ca/doing-business/cannabis-related-business-regulations.aspx>
16. Centre for Addiction and Mental Health (2018). Submission to the Ministry of the Attorney General and the Ministry of Finance: Cannabis regulation in Ontario. Available from: https://www.camh.ca/-/media/files/pdfs---public-policy-submissions/camhs submission-cannabisretail_2018-09-25-pdf.pdf?la=en&hash=1237D4AF4316606BC546D8C6D1D1EF1D84C7C00B
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Community support for policies related to cannabis

Health indicator report

Background

- The purpose of this health indicator report is to provide information about support for cannabis related policies among Halton adults aged 18 and over.
- On October 17, 2018, cannabis will be legalized for recreational use in Canada under the Cannabis Act (Bill C-45).¹ Once legal, Ontario residents aged 19 and over will be able to purchase cannabis products online through the provincial government's Ontario Cannabis Store.² The Ontario Government has also announced intentions to introduce legislation that, if passed, would create a highly regulated private retail model for cannabis.² For more information on cannabis legalization see the Ontario Government's website at ontario.ca/page/cannabis-legalization.²
- This health indicator report uses data from the Rapid Risk Factor Surveillance System (RRFSS).

Key findings

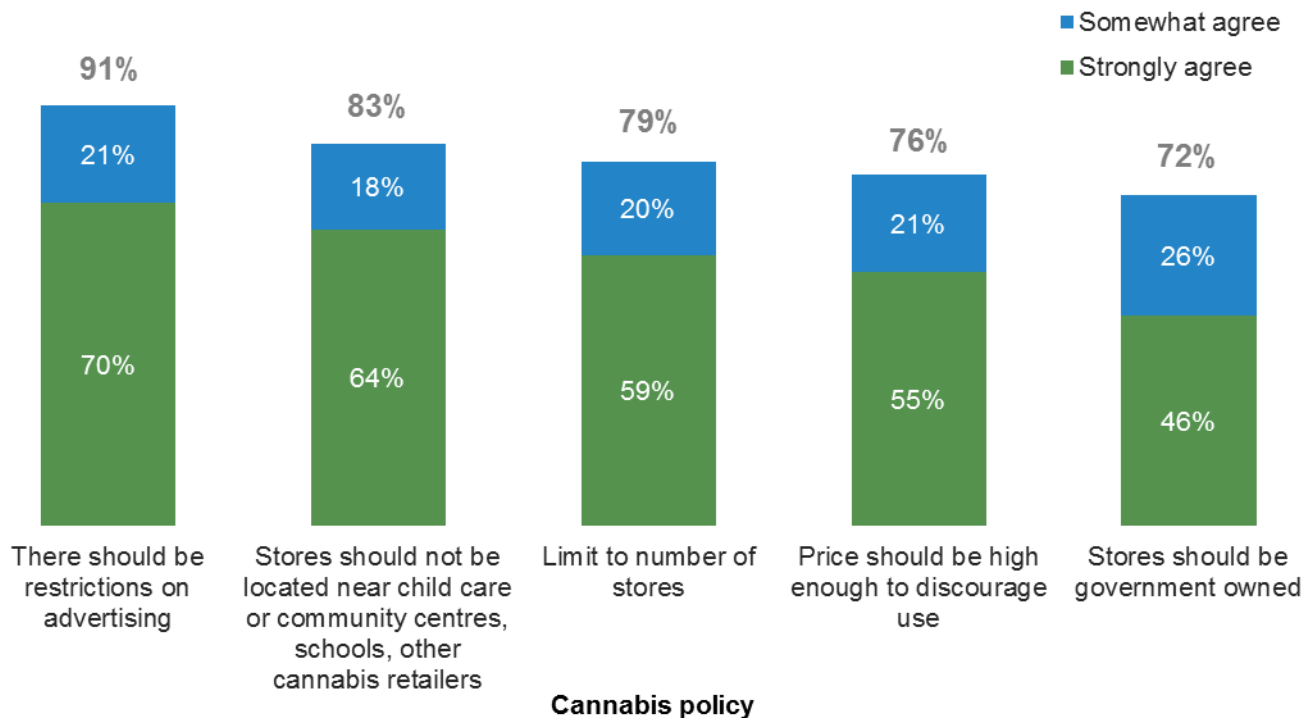
- In 2017 among Halton adults:
 - 91% agreed that there should be restrictions on cannabis advertising
 - 83% agreed that cannabis stores should not be located near child care centres, schools, community centres or other cannabis retailers
 - 79% agreed that there should be a limit to the number of stores selling cannabis
 - 76% agreed that the price of cannabis should be high enough to discourage use
 - 72% agreed that stores selling cannabis should be government-owned.
- In general, there was higher support for cannabis related policies among females and adults aged 45-64 and 65+ in Halton.



Support for policies related to cannabis

Overview

- In 2017:
 - 91% of Halton adults reported that they strongly/somewhat agree that there should be restrictions on advertising, marketing, and sponsorship related to cannabis products.
 - 83% of Halton adults reported that they strongly/somewhat agree that stores that sell cannabis products should not be located within a certain distance of child care centres, schools, community centres, or other cannabis retailers.
 - 79% of Halton adults reported that they strongly/somewhat agree that there should be a limit to the number of stores that sell cannabis products.
 - 76% of Halton adults reported that they strongly/somewhat agree that the price of cannabis products should be high enough to discourage use by adolescents, young adults and non-users.
 - 72% of Halton adults reported that they strongly/somewhat agree that cannabis products should be sold through stores that are government-owned.



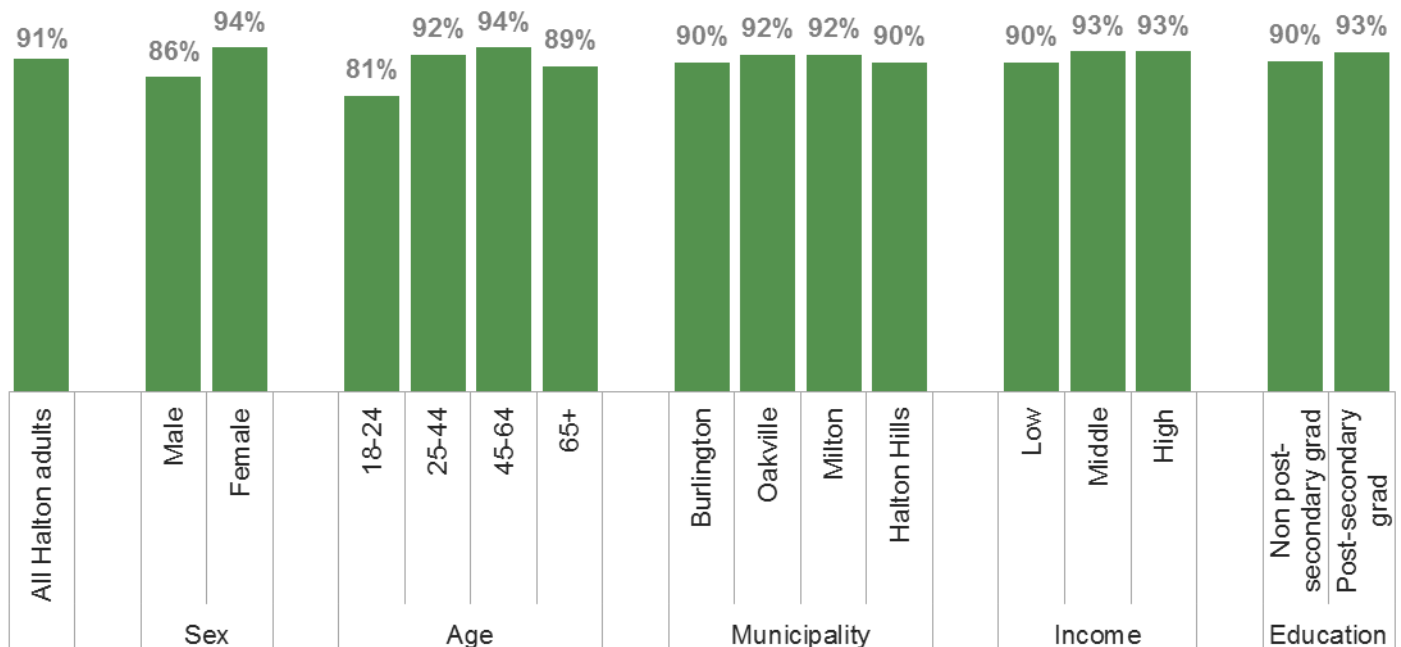
Percentage of Halton adults aged 18+ who somewhat or strongly agree with cannabis policies, Halton Region, 2017



Support for policies related to cannabis

Support for restrictions on advertising

- In 2017:
 - Halton females were more likely than males to report that they strongly/somewhat agree that there should be restrictions on advertising, marketing, and sponsorship related to cannabis products, and this difference was statistically significant.
 - Halton adults aged 45-64 were more likely than adults aged 18-24 to report that they strongly/somewhat agree that there should be restrictions on advertising, marketing and sponsorship related to cannabis products, and this difference was statistically significant.
 - There were no statistically significant differences by municipality, income or education in the percentage of Halton adults who reported that they strongly/somewhat agree that there should be restrictions on advertising, marketing and sponsorship related to cannabis products.



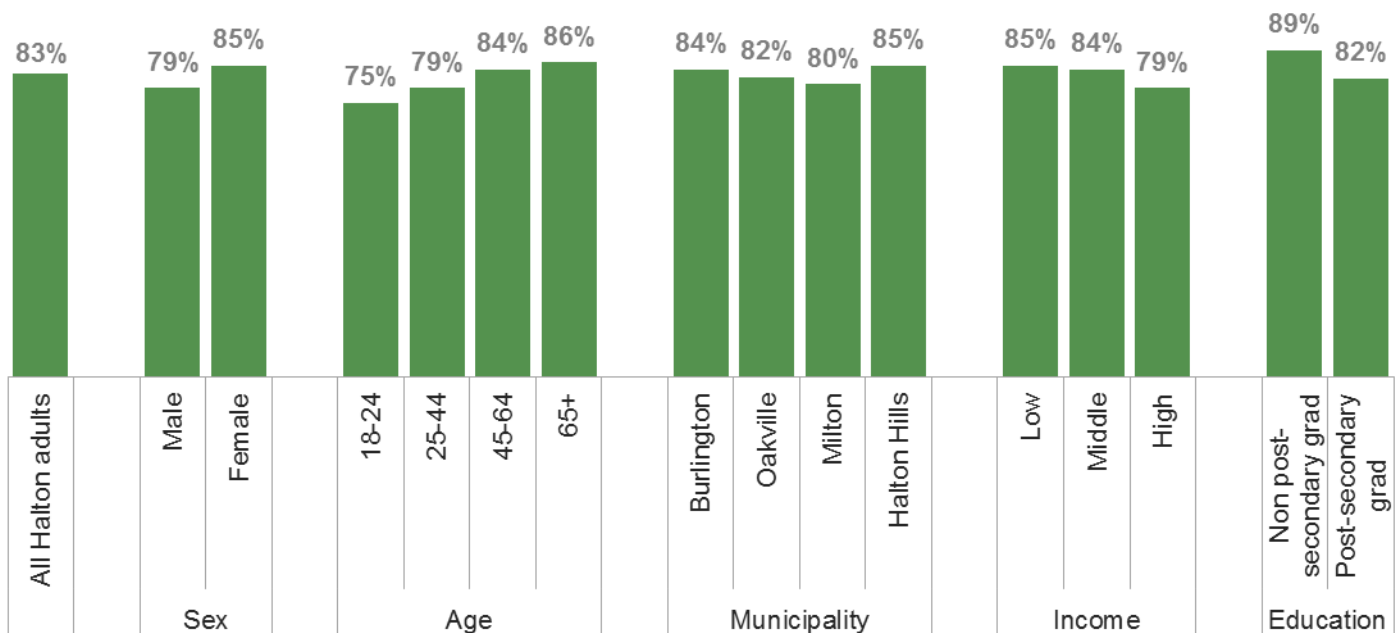
Percentage of adults aged 18+ who somewhat or strongly agree that there should be restrictions on cannabis advertising, marketing, and sponsorship, Halton Region, 2017



Support for policies related to cannabis

Support for restrictions on stores near child care or community centres, schools & other cannabis retailers

- In 2017:
 - There were no statistically significant differences by sex, age, municipality, income or education in the percentage of Halton adults who reported that they somewhat or strongly agree that stores that sell cannabis products should not be located within a certain distance of child care centres, schools, community centres, or other cannabis retailers.



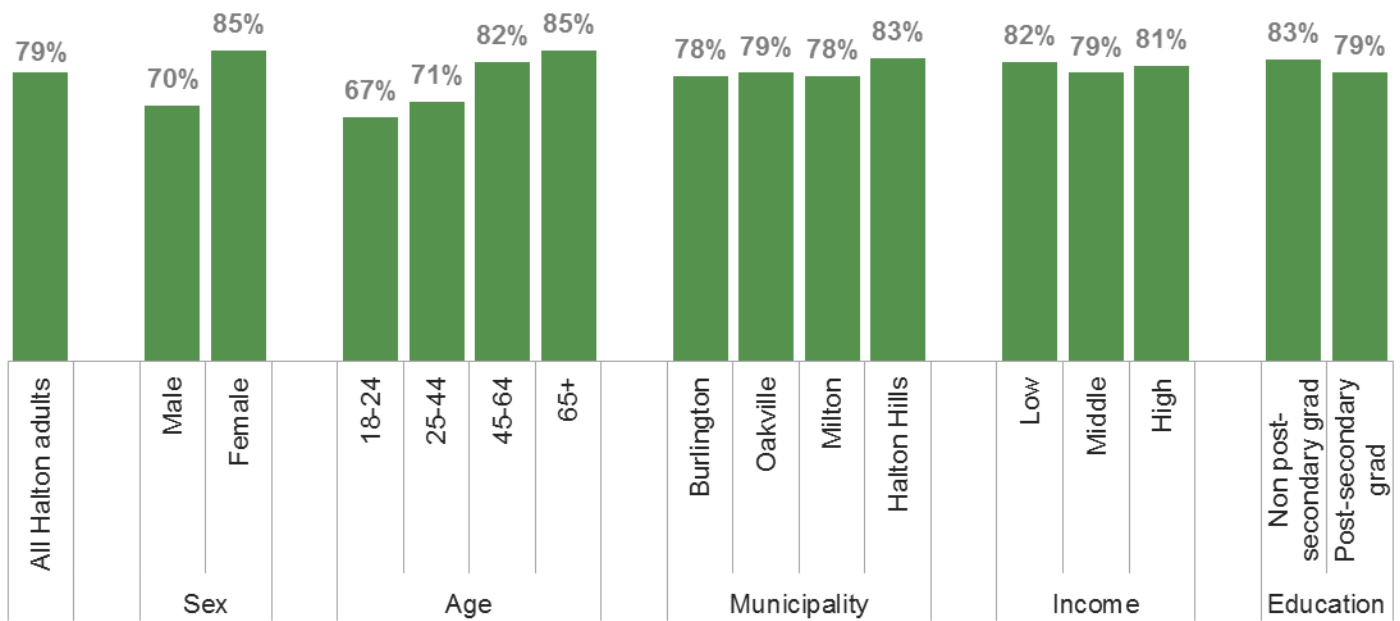
Percentage of adults aged 18+ who somewhat or strongly agree that stores that sell cannabis products should not be located within a certain distance of child care centres, schools, community centres, or other cannabis retailers, Halton Region, 2017



Support for policies related to cannabis

Support for a limit to the number of stores that sell cannabis products

- In 2017:
 - Halton females were more likely than males to report that they strongly/somewhat agree that there should be a limit to the number of stores that sell cannabis products, and this difference was statistically significant.
 - Halton adults aged 18-24 and 25-44 were less likely than adults aged 45-64 and 65+ to report that they strongly/somewhat agree that there should be a limit to the number of stores that sell cannabis products. These differences were all statistically significant.
 - There were no statistically significant differences by municipality, income or education in the percentage of Halton adults who reported that they strongly/somewhat agree that there should be a limit to the number of stores that sell cannabis products.



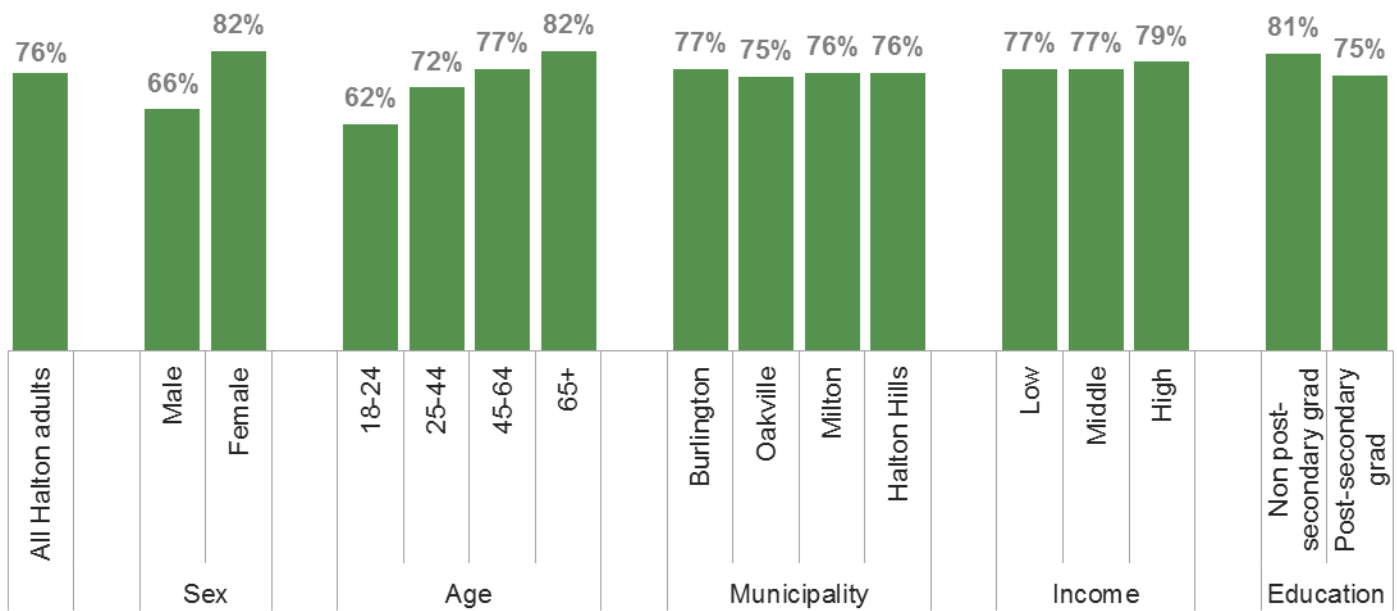
Percentage of adults aged 18+ who somewhat or strongly agree that there should be a limit to the number of stores that sell cannabis products, Halton Region, 2017



Support for policies related to cannabis

Support for cannabis prices to be high enough to discourage use

- In 2017:
 - Halton females were more likely than males to report that they strongly/somewhat agree that the price of cannabis products should be high enough to discourage use by adolescents, young adults and non-users, and this difference was statistically significant.
 - The percentage of Halton adults who reported that they strongly/somewhat agree that the price of cannabis products should be high enough to discourage use by adolescents, young adults, and non-users increased as age increased. These differences were statistically significant when comparing adults aged 18-24 to ages 45-64 and 65+.
 - There were no statistically significant differences by municipality, income or education in the percentage of Halton adults who reported that they strongly/somewhat agree that the price of cannabis products should be high enough to discourage use by adolescents, young adults, and non-users.



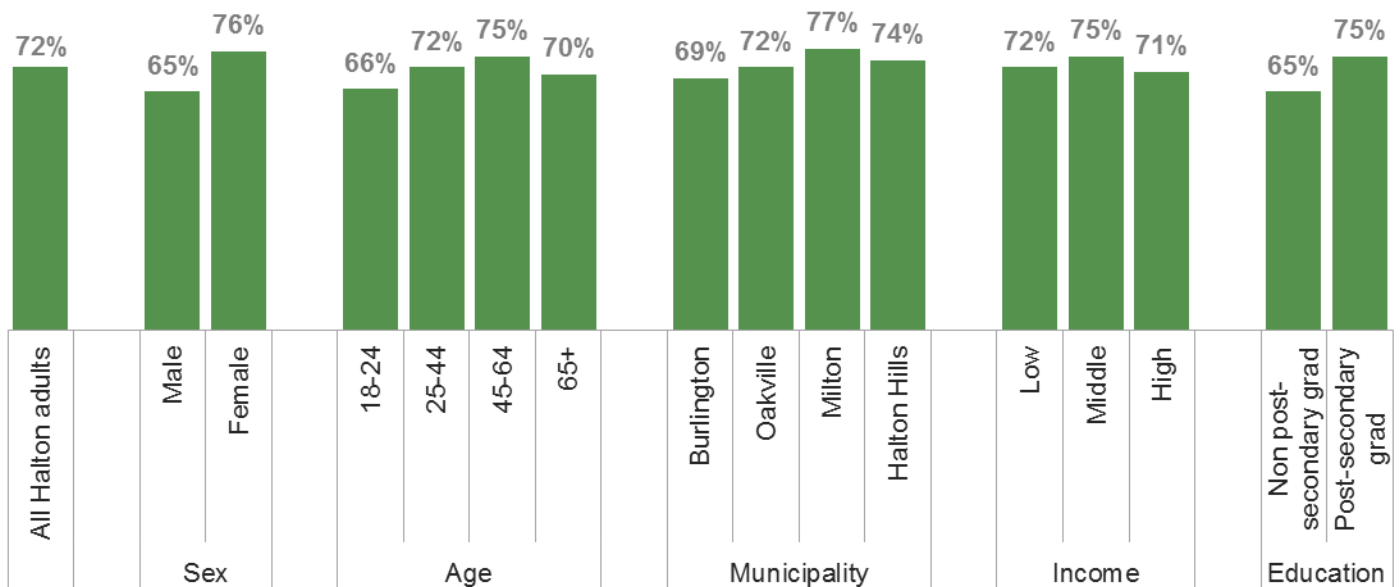
Percentage of adults aged 18+ who somewhat or strongly agree that the price of cannabis products should be high enough to discourage use by adolescents, young adults, and non-users, Halton Region, 2017



Support for policies related to cannabis

Support for cannabis to be sold in government-owned stores

- In 2017:
 - Halton females were more likely than males to report that they strongly/somewhat agree that cannabis products should be sold through stores that are government-owned, and this difference was statistically significant.
 - There were no statistically significant differences by age, municipality, income or education in the percentage of Halton adults who reported that cannabis products should be sold through stores that are government-owned.



Percentage of adults aged 18+ who somewhat or strongly agree cannabis products should be sold through stores that are government-owned, Halton Region, 2017

About RRFSS

- The Rapid Risk Factor Surveillance System is an on-going telephone survey (land line and cell phone) used to collect information on attitudes, behaviours, knowledge and awareness of issues related to health in Halton. RRFSS is conducted by the Institute of Social Research and York University.
- Each year, a random sample of approximately 1,200 adults aged 18 and over are surveyed in Halton Region.
- In 2016, RRFSS underwent changes in sampling and analysis methodology. **Therefore, it is not recommended to compare data from the 2016 onwards to past years of RRFSS data.**
- For more information on RRFSS methodology and limitations, see the RRFSS Data Notes and Data Interpretation Guide at Halton.ca/healthstats

Data notes

Definitions:

Cannabis includes marijuana and hashish.

Data Source: Rapid Risk Factor Surveillance System [2017], Halton Region Health Department and Institute for Social Research, York University.

Limitations: The questions did not specify whether the policies would be federal, provincial or local policies. Questions about support for cannabis policies were asked of residents throughout 2017, when Bill C-45 (Cannabis Act) was being debated and amended. Responses may have differed depending on when in the year the survey was administered and the information related to cannabis legalization available at the time.

References

1. Bill C-45, *Cannabis Act*, 42nd parliament, 1st session, Ontario, 2018. Available at <https://openparliament.ca/bills/42-1/C-45/>
2. Government of Ontario. (2018). Cannabis legalization. Available at <https://www.ontario.ca/page/cannabis-legalization>

For more health indicator and health status reports, visit the Halton Health Statistics website at www.halton.ca/healthstats

Last updated: September 2018

The Regional Municipality of Halton

Consultation on amendments to the Smoke-Free Ontario Act, 2017, and Ontario Regulation 268/18

October 5, 2018



Halton Region is pleased to submit comments on the amendments to the Smoke-Free Ontario Act (SFOA), 2017 through Bill 36, and Ontario Regulation 268/18 (O. Reg. 268/18) made under the SFOA, 2017.

SFOA, 2017 proposed amendments

Places of consumption

Application of the SFOA, 2017 to the smoking and vaping of both medical and non-medical cannabis allows for a consistent approach that will support enforcement. However, the proposed changes also raise concerns about the normalization of cannabis use among youth, exposure to second-hand cannabis smoke and cannabis impairment in public.

Other considerations regarding places of consumption

Halton Region staff has concerns about public exposure to second-hand smoke and vapour from cannabis, tobacco and vapour products in areas not included under the proposed changes to O. Reg. 268/18. These areas include entranceways to public buildings and workplaces, transit stops, sidewalks in downtown cores and post-secondary campuses. Halton Region staff recommends that the Province consider establishing a nine-metre smoke-free perimeter from all entrances/exits and air intakes to all publicly accessible buildings.

O. Reg. 268/18 proposed amendments

1. (3) Subsections 1 (2) and (3) of the Regulation are revoked and the following substituted

(2) For the purposes of paragraph 2 of subsection 4 (1) of the Act,

“brand of tobacco product” does not include a brand of a substance that contains tobacco and that is intended exclusively for use in vapour products.

Comments

Halton Region staff do not support the proposed change that would permit the promotion and display of tobacco-related products such as “heat not burn” vaporizers, which are intended for use with tobacco. Display and promotion of these products; especially in retailers such as convenience stores, gas stations and kiosks that are frequented by children and youth, will increase normalization and the potential for youth access.

2. Clauses 4 (a) and (b) of the Regulation are revoked and the following substituted...

We do not have any comments to this clause.

3. *Clause 7(3)(c) of the Regulation is amended by striking out “medical cannabis” and substituting “cannabis”.*

Comments

While Halton Region staff support the Province in prohibiting the smoking of cannabis and vaping on restaurant and bar patios, we do not support the exemption that continues to allow smoking of tobacco on the patios of Veterans organizations and Legions. Legions and Veterans organizations can operate restaurants, bars and public halls that service and cater to many members of the community. This exemption leaves hospitality workers, volunteers and patrons of all ages unprotected from exposure to second-hand smoke.

4. *Section 21, 22, and 23 of the Regulation are revoked and the following substituted:*

Promotion, certain electronic cigarettes

21. For greater certainty, a person who sells or manufactures an electronic cigarette or a component of an electronic cigarette that is sold or manufactured for use with a tobacco product, but that is packaged without a tobacco product, is exempt, with respect to the electronic cigarette or the component of the electronic cigarette, from the prohibitions in subsection 4 (2) of the Act concerning tobacco product accessories.

Comments

Halton Region staff do not support the proposed change that would permit the promotion and display of tobacco-related products such as “heat not burn” vaporizers, which are intended for use with tobacco. Display and promotion of these products; especially in retailers such as convenience stores, gas stations and kiosks that are frequented by children and youth, will increase normalization and the potential for youth access.

Display and promotion rules, vapour products

22. For the purposes of section 4.1 of the Act, a person who sells vapour products or offers vapour products for sale may display and promote vapour products, as long as the display and promotion complies with the requirements under Division 2 of Part IV of the Tobacco and Vaping Products Act (Canada).

Comments

Halton Region staff do not support the promotion and display of vapour products, other than in specialty vape shops, where it is proposed that patrons less than 19 years of age are not permitted to enter. Federal legislation includes restrictions on advertising; however, these products continue to be extensively promoted in retailers. Halton Region staff are concerned that display and promotion of vapour products in retailers, such as convenience stores, gas stations

and kiosks frequented that are by children and youth, will increase normalization and the potential for youth access. Seven provinces have banned visible vapour product display at retail outlets.

5. Paragraph 2 of section 29 of the Regulation is revoked and the following substituted...

We do not have any comments to this section.

6. Section 30 of the Regulation is revoked.

We do not have any comments to this section.

7. Section 32 of the Regulation is revoked and the following substituted:

Testing and sampling...

Comments

Halton Region staff recommend the Province consider prohibiting in-store testing of vapour products in specialty vape shops (as opposed to the proposed amendment, which would allow two people to sample a vapour product at the same time).

8. Section 33 of the Regulation is amended by adding the following...

We do not have any comments to this section.

9. Section 34 of the Regulation is revoked and the following substituted:

Evidence and cannabis

34. A court may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

We do not have any comments to this section.

10. Section 37 of the Regulation is revoked.

We do not have any comments to this section.

Conclusion

Halton Region would like thank the provincial government for the opportunity to provide comments on the proposed amendments to Smoke-Free Ontario legislation. We look forward to continuing to work with the provincial government on issues of mutual importance to the people of Halton.

Cannabis use

Health indicator report

Background

- The purpose of this health indicator report is to provide information about cannabis use among Halton and Ontario residents aged 12 and over.
- Cannabis is a plant that is used for both medicinal purposes and as a recreational drug. Marijuana typically refers to dried leaves and flowers from a cannabis plant, while hashish is made from the resin of cannabis plants. Cannabis use is associated with several health risks including impaired concentration and coordination, as well as anxiety. While these negative health issues can affect people of all ages, adolescents are particularly at risk.¹
- Beginning October 17, 2018, cannabis is legal for non-medicinal use in Canada under the Cannabis Act (Bill C-45).² For more information on cannabis legalization see the Ontario Government's website at ontario.ca/page/cannabis-legalization.³
- This health indicator report uses data from the Canadian Community Health Survey (CCHS).

Key findings

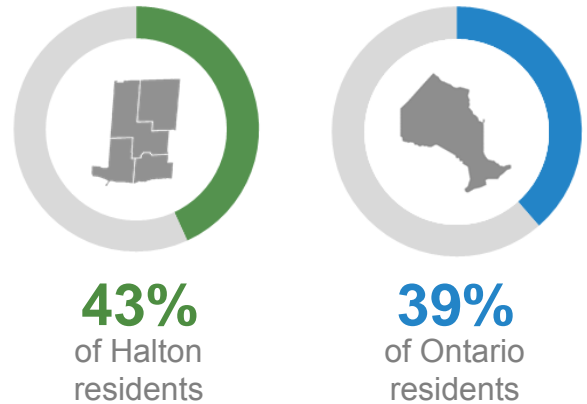
- 43% of Halton residents aged 12 and over report having ever used cannabis in their lifetime, and 12% report having used cannabis in the past year. This is similar to Ontario.
- Lifetime and past year cannabis use was highest among young adults aged 18-24.



Lifetime cannabis use

Halton vs. Ontario

- In 2015-16, 43% of Halton residents and 39% of Ontario residents aged 12 and over reported having ever used cannabis in their lifetime.
- In 2015-16 there was no statistically significant difference between Halton and Ontario in the percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime.



Percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime, Halton Region and Ontario, 2015-16

Sex

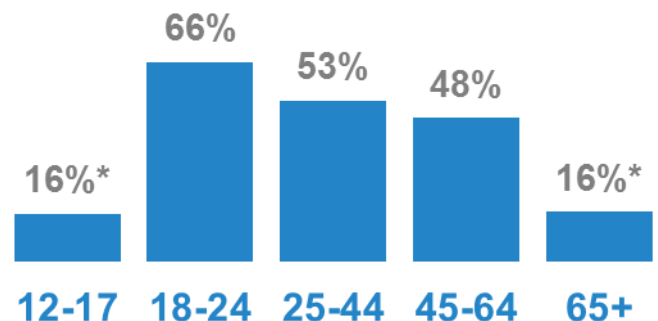
- In 2015-16, there was no statistically significant difference by sex in the percentage of Halton residents aged 12 and over who reported having ever used cannabis in their lifetime.



Percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime, by sex, Halton Region, 2015-16

Age

- In 2015-16, the percentage of Halton residents who reported having ever used cannabis in their lifetime was highest in the 18-24 year old age group, and then decreased as age increased. These differences were **statistically significant** when comparing ages 18-24, 25-44 and 45-64 to ages 12-17 and 65+.



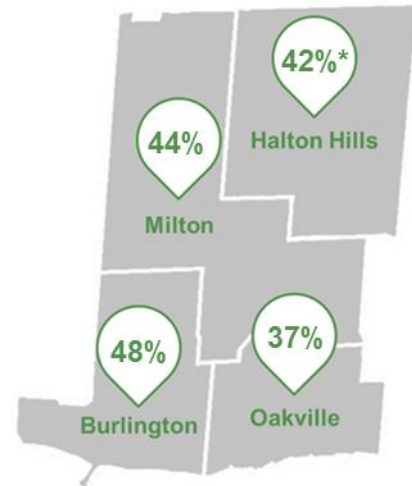
Percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime, by age, Halton Region, 2015-16



Lifetime cannabis use

Municipality

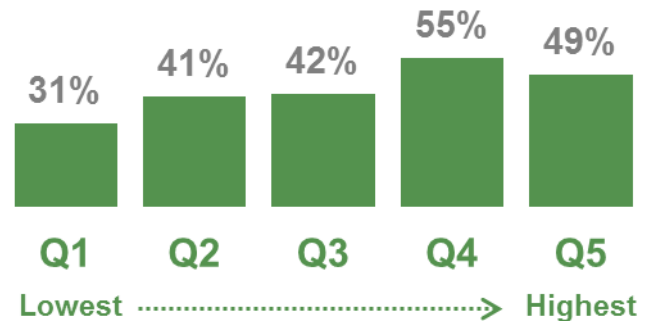
- In 2015-16, there were no statistically significant differences by municipality in the percentage of Halton residents aged 12 and over who reported having ever used cannabis in their lifetime.



Percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime, by municipality, Halton Region, 2015-16

Income

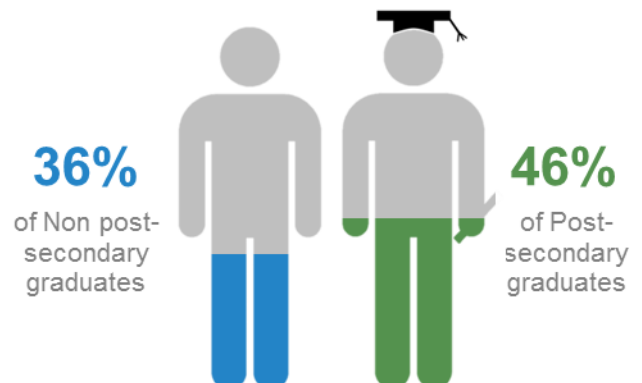
- In 2015-16, Halton residents aged 12 and over in the highest two income quintiles (Q4 and Q5) were more likely than those in the lowest income quintile (Q1) to report ever having used cannabis in their lifetime. These differences were **statistically significant**.



Percentage of residents aged 12 and over who reported having ever used cannabis in their lifetime, by income quintile, Halton Region, 2015-16

Education

- In 2015-16, there were no statistically significant differences by education in the percentage of Halton residents aged 25 and over who reported having ever used cannabis in their lifetime.



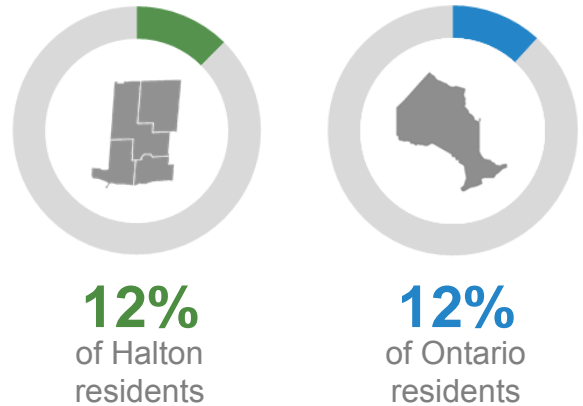
Percentage of residents aged 25 and over who reported having ever used cannabis in their lifetime, by education, Halton Region, 2015-16



Past year cannabis use

Halton vs. Ontario

- In 2015-16, 12% of Halton residents and 12% of Ontario residents aged 12 and over reported having used cannabis in the past year.



Percentage of residents aged 12 and over who reported having used cannabis in the past year, Halton Region and Ontario, 2015-16

Sex

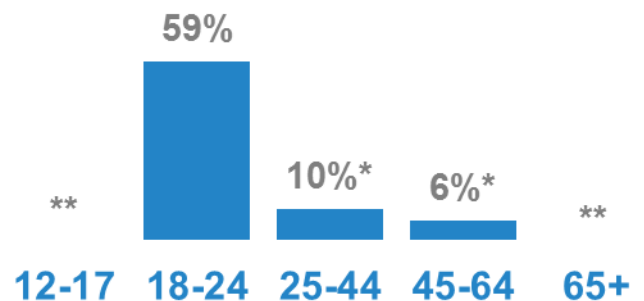
- In 2015-16, there was no statistically significant difference by sex in the percentage of Halton residents aged 12 and over who reported having used cannabis in the past year.



Percentage of residents aged 12 and over who reported having used cannabis in the past year, by sex, Halton Region, 2015-16

Age

- In 2015-16, the percentage of Halton residents who reported having used cannabis in the past year was higher in the 18-24 year old age group compared to the 25-44 and 45-64 year old age groups. These differences were statistically significant.



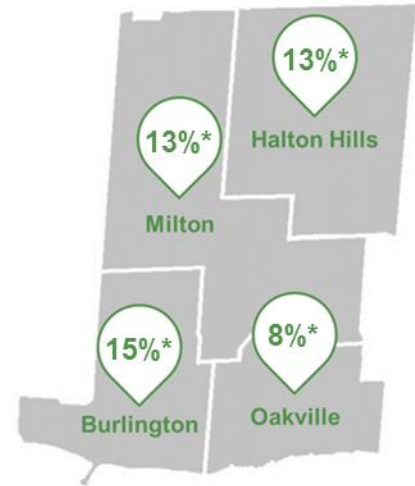
Percentage of residents aged 12 and over who reported having used cannabis in the past year, by age, Halton Region, 2015-16



Past year cannabis use

Municipality

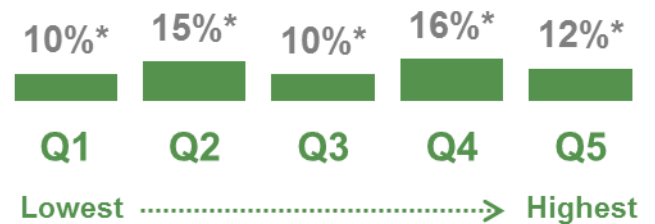
- In 2015-16, there were no statistically significant differences by municipality in the percentage of Halton residents aged 12 and over who reported having used cannabis in the past year.



Percentage of residents aged 12 and over who reported having used cannabis in the past year, by municipality, Halton Region, 2015-16

Income

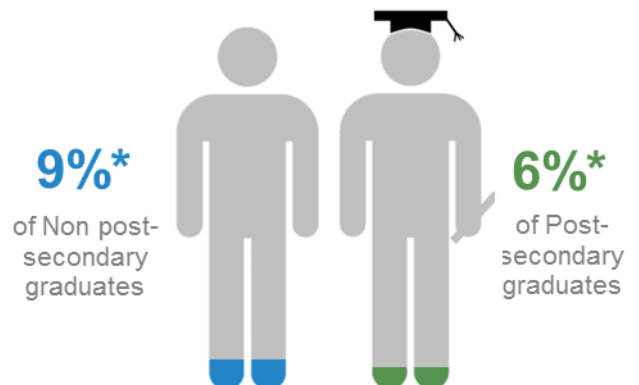
- In 2015-16, there were no statistically significant differences by income in the percentage of Halton residents aged 12 and over who reported having used cannabis in the past year.



Percentage of residents aged 12 and over who reported having used cannabis in the past year, by income quintile, Halton Region, 2015-16

Education

- In 2015-16, there were no statistically significant differences by education in the percentage of Halton residents aged 25 and over who reported having ever used cannabis in their lifetime.



Percentage of residents aged 25 and over who reported having used cannabis in the past year, by education, Halton Region, 2015-16

About CCHS

- The Canadian Community Health Survey is a voluntary, cross-sectional survey that collects information related to health status, health system utilization and health determinants for the Canadian population. CCHS is conducted by Statistics Canada.
- Each year, CCHS surveys 65,000 people aged 12 and over from across Canada. The survey provides health information at the provincial and regional levels. CCHS is designed to provide reliable estimates at the health unit level every 2 years.
- In 2015, CCHS was redesigned, including major changes to content and methodology. **Therefore, it is not recommended to compare data from the 2015 cycle onwards to past CCHS cycles.**
- For more information on CCHS methodology and limitations, see the CCHS Data Notes and Data Interpretation Guide at Halton.ca/healthstats

Data notes

Definitions:

Cannabis includes marijuana and hashish.

Cannabis use includes one-time only use.

Data Source: Canadian Community Health Survey [2015-16], Statistics Canada, Share File, Ontario MOHLTC

Estimates marked with an asterisk (*) should be interpreted with caution due to high sampling variability associated with the estimates. Estimates marked with a double asterisk (**) are not reportable.

References

1. Health Canada. 2018. Health effects of cannabis. Accessed September 2018 from <https://www.canada.ca/content/dam/hc-sc/documents/services/campaigns/27-16-1808-Factsheet-Health-Effects-eng-web.pdf>
2. Bill C-45, *Cannabis Act*, 42nd parliament, 1st session, Ontario, 2018. Available at <https://openparliament.ca/bills/42-1/C-45/>
3. Government of Ontario. (2018). Cannabis legalization. Available at <https://www.ontario.ca/page/cannabis-legalization>

For more health indicator and health status reports, visit the Halton Health Statistics website at www.halton.ca/healthstats

Last updated: September 2018