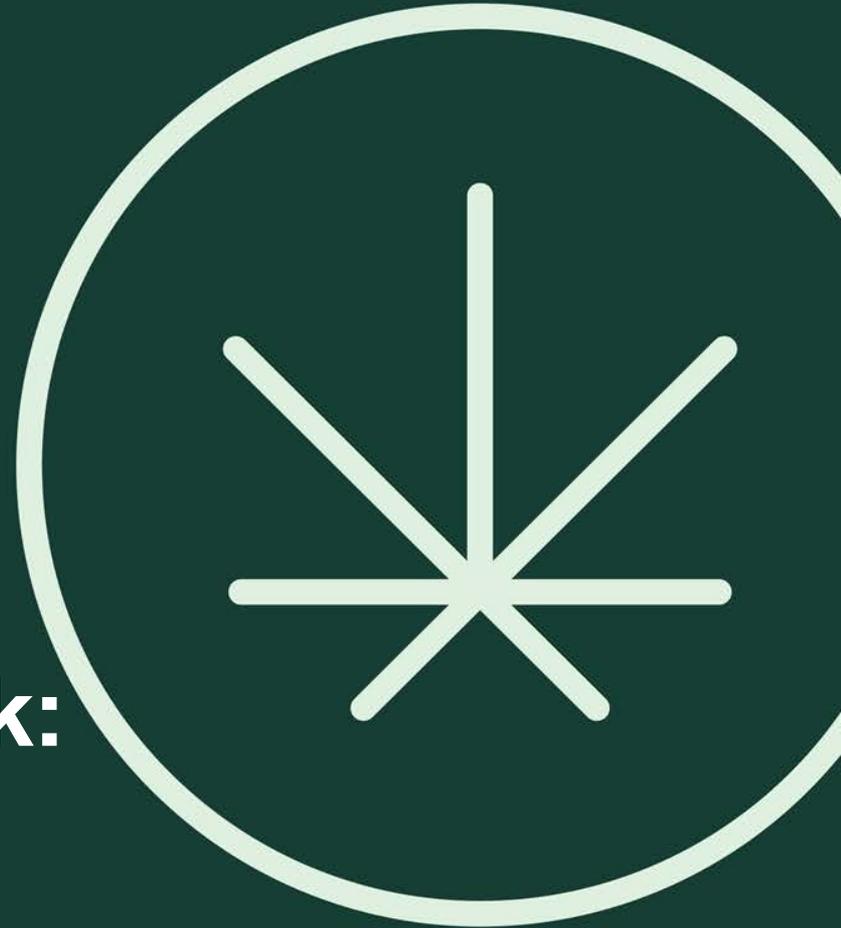


# Provincial Framework: Federal Cannabis Legalization

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May 4, 2018

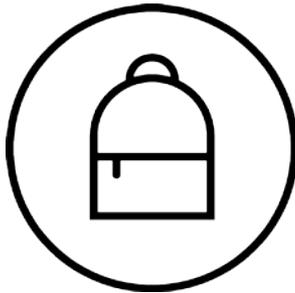


# Background

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On December 12, 2017, provincial legislation was passed in response to federal cannabis legalization, including the ***Cannabis Act, 2017***, and the ***Ontario Cannabis Retail Corporation Act, 2017*** (OCRCA, 2017).

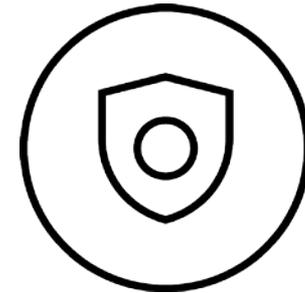
## Key Priorities:



**Protecting Youth and  
Young People**



**Community and Road  
Safety**



**Eliminating the Illegal  
Market**

# Overview

## Provincial cannabis legislation aligns with proposed federal Bill C-45.

### *Cannabis Act, 2017*

- Prohibits the sale of recreational cannabis to anyone under the age of 19.
- Prohibits the use of recreational cannabis in all public places, workplaces and motor vehicles.
- Prohibits youth (under 19) from possessing, cultivating, consuming and sharing any amount of recreational cannabis.
- Addresses illegal selling, including storefront dispensaries.
- It is expected that the *Cannabis Act, 2017* will come into force at the same time as federal legalization occurs.

### *OCRCA, 2017*

- Established a new Crown corporation, the Ontario Cannabis Retail Corporation (OCRC), operating as the Ontario Cannabis Store (OCS), which has a subsidiary relationship to the Liquor Control Board of Ontario (LCBO).
- The OCRC will:
  - sell cannabis and related products through a network of dedicated storefronts and an online channel;
  - determine the types of cannabis products it sells; and
  - promote social responsibility with respect to cannabis.

### Other Provincial Cannabis Legislation

- The *Smoke Free Ontario Act, 2017 (SFOA, 2017)* regulates the **smoking and vaping of medical cannabis**. The *SFOA, 2017* comes into force on July 1, 2018.
- Amendments to the *Highway Traffic Act (HTA)* establish **tougher impaired driving laws**, including a zero-tolerance approach for young, novice and commercial drivers and higher financial penalties for all impaired drivers. Zero-tolerance amendments come into force on July 1, 2018 and higher financial penalties for impaired driving come into force January 1, 2019.



# Retail and Distribution System

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**In Ontario, recreational cannabis will be sold exclusively by the Ontario Cannabis Store through a network of dedicated storefronts and an online channel.**

- This approach to retail and distribution is designed to promote public safety and social responsibility, while responding to consumers and eliminating the illegal market.
- Approximately 150 standalone stores will be opened by the end of 2020, starting with about 40 stores in 2018, and rising to 80 within the first year. Stores will sell cannabis and related products, not alcohol.
- Stores will be complemented by an online channel that will provide Ontarians across the province with a secure way to legally purchase cannabis. At a minimum, the same safeguards that exist now for online LCBO beverage alcohol sales will apply to cannabis, including ID checks, signatures required upon delivery and no packages left unattended at the door.
- Trained and knowledgeable staff will sell products in stores in a safe and socially responsible manner, including strict requirements for age verification, so youth access to the product is restricted and consumers have the information that they need.
- This approach was guided by experience from the sale of alcohol, input from key public health experts and law enforcement, and lessons learned from other jurisdictions.



# Municipal Implementation Funding and Store Siting

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## Implementation Funding

- The province will be providing \$40 million in funding over two years to help municipalities with incremental implementation costs associated with the legalization of recreational cannabis.
- Funding will be distributed to municipalities on a per household basis, adjusted to ensure that each municipal government receives no less than \$10,000.
- If the province's portion of revenue from the federal excise duty on recreational cannabis for the first two years of legalization exceeds \$100 million, the province will provide municipal governments with 50 per cent of the surplus.
- The province will distribute half of the funding as soon as possible following federal Royal Assent and before legalization begins in 2018, and the other half a year later in 2019.
- This approach provides municipalities with the certainty of funding in advance of legalization.

## Store Siting

- Twenty-nine municipalities were identified for initial stores by considering geographical distribution across the province and the presence of illegal stores currently in operation.
- In fall 2017, officials from the Ministry of Finance and the LCBO met with municipalities identified for initial cannabis stores to discuss the siting process, guidelines and local interests.
- The OCS considers local interests and the provincial guidelines to identify store locations, which include:
  - Adhering to municipal zoning by-laws
  - Equitable access for consumers within municipalities
  - Minimizing proximity to schools
  - Addressing, where present, illegal storefront activity
- The OCS is committed to engaging with school board officials regarding potential locations for retail stores.



# Retail Stores

- The OCS is designing retail stores to meet the objectives of preventing youth access to cannabis products and eliminating the illegal cannabis market.
- Stores will be a safe, approachable and educational environment for consumers.

## Designed to prevent youth access

- Customers will be asked to provide ID in a reception area before entering retail space.
- No one under 19 years of age will be permitted.

## Exterior

- Low-profile while still easily identifiable, with no visibility into the retail space from the exterior.

## Security Measures

- Stores will have a range of measures such as on-site security, enhanced lighting and 24/7 monitored alarm systems.

## Staffing

- Staff will be trained on product knowledge, applicable federal and provincial legislation, social responsibility and responsible use guidelines.

## Products

- Will not be available for self-service, in accordance with the proposed federal rules.
- Will be pre-packaged, sealed and labelled in accordance with the proposed federal rules.
- Permitted products include dried cannabis, oils, seeds and seedlings.
- Edibles will not be available until such time as the federal government permits.

## Consumer Education

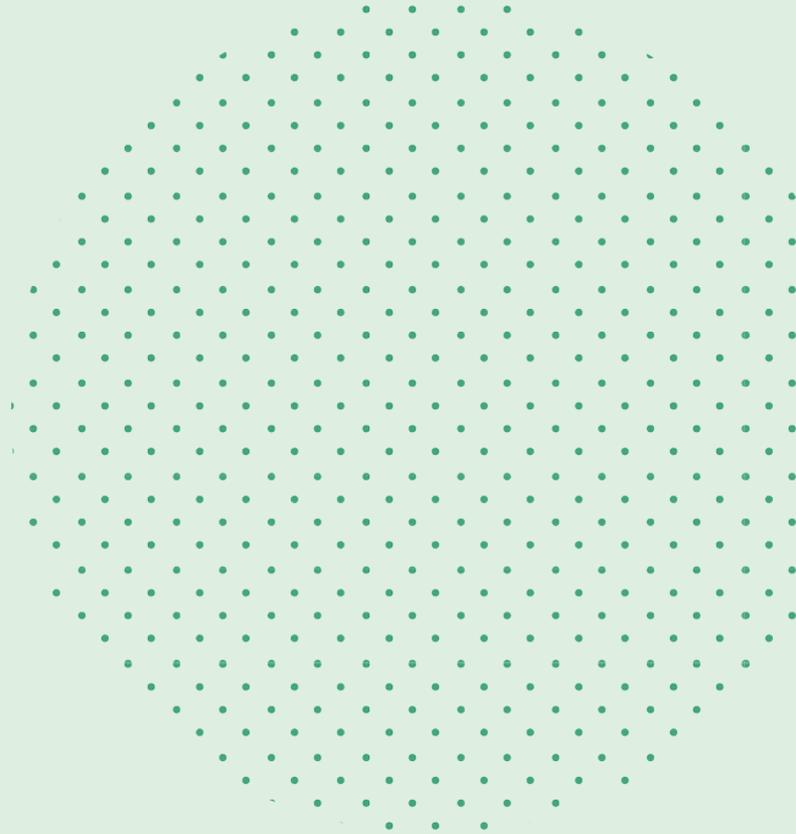
- Customers will have access to educational material and social responsibility resources and can engage with staff.

## Consumption

- In accordance with provincial law, no consumption would be permitted inside the store or in public places.

# ***Cannabis Act, 2017***

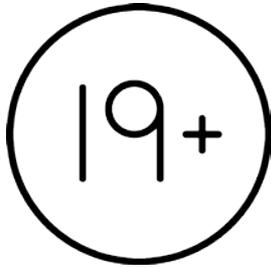
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# Prohibitions

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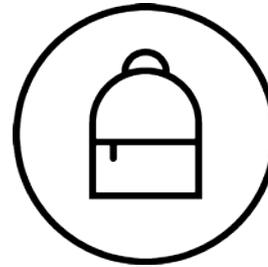
The *Cannabis Act, 2017* contains a series of prohibitions\* including:



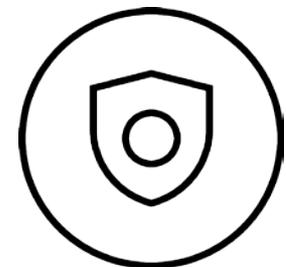
Prohibiting the sale of recreational cannabis to anyone under the **age of 19**



Prohibiting the use of recreational cannabis in all **public places, workplaces and motor vehicles**



Prohibiting **youth (under 19) from possessing, cultivating, consuming and sharing cannabis**



Addressing **illegal selling**, including storefront dispensaries

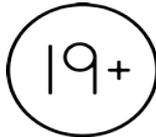
## Enforcement

The *Cannabis Act, 2017* provides that police officers and other provincial offences officers designated by a provincial minister can enforce the Act, allowing the flexibility to enable community-generated enforcement approaches, as appropriate. A process will be developed, in consultation with partner ministries and AMO, in respect of municipal designation requests.



8 \* Penalties under the *Cannabis Act, 2017* and short-form wordings established for provincial cannabis offences are outlined in the appendix of this presentation.

# Possession



In Ontario, the legal age to purchase, possess, consume and grow recreational cannabis will be 19. This will allow police to confiscate small amounts of cannabis from young people.



## Adult Possession

Under Federal Bill C-45, if passed, adults could possess up to **30 grams of dried legal cannabis in public**. In Ontario, adults (19+) would be able to possess up to 30 grams in public.



## Youth Diversion

In order to help prevent youth from unnecessarily being brought into the justice system, the *Cannabis Act, 2017* provides police, prosecutors and courts with the opportunity to **refer young people to prevention and education programs** that are approved by the Attorney General, including culturally appropriate programming for Indigenous youth.



## Growing Cannabis

Under Federal Bill C-45, if passed, adults will be able to **grow up to four plants per residence** (not per person). Adults (19+) would be able to grow up to four plants per residence in Ontario and purchase legal seeds and seedlings from the Ontario Cannabis Store.



# Places of Consumption

Restrictions on recreational cannabis align with both tobacco and alcohol.



## Recreational Cannabis

Under the *Cannabis Act, 2017*, individuals would be able to use recreational cannabis\* in private residences, including the outdoor space of a home (e.g. a porch or back yard), or in a unit or on a balcony of a multi-unit residence, subject to a building's rules or a lease. See appendix for additional information on the *Residential Tenancies Act, 2006* and cannabis.

Individuals would not be able to use recreational cannabis\* in any public space, workplace and motor vehicle.



## Medical Cannabis

Under the *SFOA, 2017*, the smoking and vaping of medical cannabis will not be allowed in enclosed workplaces, enclosed public spaces, motor vehicles\*\* and other areas where tobacco smoking is currently banned.

### Supporting Regulation

See the appendix to this presentation for additional detail on the places of consumption rules for recreational and medical cannabis in Ontario, including refinements, clarifications, and limited exemptions established by way of a regulation under the *Cannabis Act, 2017*.



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\* Applies to all forms of consumption of recreational cannabis (i.e. smoking, vaping, edibles and extracts)

\*\* When the motor vehicle is being driven or is under a person's care or control; and/or when a person who is less than 16 years old is present in the motor vehicle.

# Enforcement Strategy – Illegal Selling

## A coordinated law enforcement approach with federal, municipal and First Nation partners to eliminate the illegal market

The *Cannabis Act, 2017* prohibits any person from selling or distributing cannabis, other than the OCRC or persons authorized under applicable federal law. The Act would also prohibit landlords from knowingly permitting such activities on their premises.



Individuals and corporations convicted of these offences would be subject to **high maximum fines** upon first conviction, with additional fines for each day on which the offence occurs or continues on subsequent convictions. Individuals may also face a potential jail sentence of up to two years less a day. Minimum fines would apply to corporations convicted of these offences.

In order to address illegal storefronts, the Act provides an **interim closure authority** which would allow for the immediate closure by police and/or a provincial offences officer, upon charges being laid, of premises that are suspected of being used for the illegal sale or distribution of cannabis.

### Provincial Investments

- The Province has established the Cannabis Intelligence Coordination Centre (CICC) to shut down illegal storefronts and help fight the unsafe and illegal supply of cannabis. CICC Regional Intelligence Coordinators are available across the province to collect information from and disseminate intelligence to all law enforcement agencies that wish to participate. 10 Regional Enforcement Teams within five regions of the province, facilitated through the CICC, will help suppress the illegal supply and distribution of cannabis in Ontario.
- Work is also under way to develop a coordinated approach to support training of law enforcement on both the provincial *Cannabis Act, 2017* rules and penalties and federal legislative framework.



# Enforcement Strategy – Impaired Driving Investments



## Standardized Field Sobriety Test (SFST) Training

The Ontario Police College is leading the coordination of SFST training for the province. The province is coordinating training for an additional 1,500 officers in SFST in advance of legalization. There is no cost to police services to have their officers attend this training. The training schedule has been shared with police services via an All Chiefs' Memo (ACM) and training is currently under way. The ACM also includes a survey to identify SFST/Drug Recognition Expert (DRE) needs for the next five years.

## Drug Recognition Expert (DRE) Training

DRE certification training is currently coordinated by the Ontario Provincial Police (OPP). The OPP has secured and booked courses to certify an additional 40 officers in DRE in advance of legalization. Field certification has been scheduled to take place in Jacksonville, Florida until March 2019. DRE training maintains the same cost sharing structure whereby police services (including the OPP) cover trainee expenses and instructor salary costs if they provide an instructor for both the Canadian and U.S. portions of the training. The OPC is currently covering meals and accommodations for students and instructors during the Canadian portion of DRE training.

## Prosecution Capacity and Forensic Testing

The Province has created a **specialized legal team** to support drug-impaired driving prosecutions and is increasing capacity at the province's Centre of Forensic Sciences to support toxicological testing and expert testimony.

## Reduce Impaired Driving Everywhere (RIDE) Grant Program

The RIDE grant program is an existing grant program, which helps cover the cost of officers' overtime or paid duty hours, to assist local police services in offsetting their staff costs for implementing RIDE programs/sobriety checks in their communities.



# Engaging with Indigenous Communities and Organizations

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## Continued engagement with Indigenous leaders, communities and organizations to discuss interests, perspectives and concerns, and consider opportunities for collaboration

- The need to engage meaningfully and to work with Indigenous communities and organizations about cannabis legalization is recognized.
- The *Cannabis Act, 2017* includes flexibility to accommodate community specific on-reserve approaches, including authority for the Attorney General to enter into agreements with First Nations communities related to cannabis regulation including: minimum age, places of use and other matters within the scope of the *Cannabis Act, 2017*.
- The *OCRCA, 2017* allows the Lieutenant Governor in Council to prescribe where cannabis may not be delivered following a request made by a First Nations band council, and authorizes the Minister of Finance to enter into agreements with First Nations communities related to cannabis retailing on reserve.



# Prevention and Harm Reduction Approach

An all of government approach to develop cannabis prevention and harm reduction initiatives that focus on programs and services, and service provider education and training

## Goals

Prevent/delay cannabis use among youth and young adults

Reduce the harms associated with cannabis use among the general population

## Objectives

Promote awareness of cannabis related health harms and help people make informed decisions about use

Develop new or update existing programs and services to support prevention and harm reduction in youth and young adults

Provide training and/or resources to education, health, and social service providers

## Alignment

Supported by the broader cannabis legalization framework; will adopt a public health approach to protect and educate youth, maximize public health and road safety, and reduce harm

**Ministries will ensure alignment with relevant provincial initiatives such as:**

Patients First:  
Action Plan for Health Care

Mental Health and Addictions Strategy

Ontario Public Health  
Standards Modernization

Opioid Strategy

Achieving Excellence:  
A Renewed Vision for Education in Ontario



# Prevention and Harm Reduction Initiatives

## Ministry of Health and Long-term Care (MOHLTC)

MOHLTC is exploring implementation initiatives that will support its partners and stakeholders including:

- Releasing its Substance Use Prevention and Harm Reduction Guideline, 2018, which provides direction to public health units (PHUs) on required approaches and interventions for substance use prevention and harm reduction, including cannabis, in the health unit population.
- Engaging with PHUs to determine what supports are required to address local needs related to cannabis legalization and to discuss what role public health units might have in enforcing place of consumption rules for recreational cannabis.
- Providing funding to support the development of evidence-informed recreational cannabis resources for primary care providers to inform their discussions with clients and facilitate referral to treatment, if required.
- Engaging with the long-term care (LTC) sector to inform further potential amendments that may be needed to support the new proposed federal cannabis legislation such as safety, storage, and administration of cannabis in LTC homes.

## Ministry of Education (EDU)

- Based on the feedback received from engagement with a diverse group of partners and stakeholders, EDU is taking a phased approach to prepare the education sector for the legalization of recreational cannabis. EDU released evidence-based resources and information about funding for school boards at the end of April. EDU is also providing funding to support the development of resources for educators, parents/guardians, and students to increase awareness about cannabis.
- In 2018-19, EDU has committed to providing funding to school boards to support training and capacity building for school and system leaders, educators, and other school staff. With this funding, school boards will have the flexibility to develop their own specific training plans, to meet local needs.
- EDU will continue to engage with partners on changes to safe schools policies and protocols to address cannabis legalization.



# Prevention and Harm Reduction Initiatives, Cont'd

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## Ministry of Children and Youth Services (MCYS)

- MCYS is leading an initiative to provide training and resources to enhance service provider capacity in the prevention and harm reduction of substance use and mental health challenges in children and youth. The Ontario Centre of Excellence for Child and Youth Mental Health is implementing this initiative in collaboration with Addictions and Mental Health Ontario. While child and youth mental health service providers and youth addiction service providers are the primary audience for this initiative, the training resources will also be available to providers in other sectors (e.g., youth justice).
- MCYS is also strengthening diversion supports for youth, and exploring the use of online tools to assist youth and parents in locating services and supports for substance use and cannabis related issues. These initiatives are targeted at youth aged 12-18 years and will be accessible province-wide.

## Ministry of Advanced Education, Skills and Development (MAESD)

- MAESD is exploring potential initiatives within the postsecondary education (PSE) sector to help reduce harm and prevent the use of cannabis among youth and young adults.
- The primary goal of these initiatives is to help ensure postsecondary students, faculty and staff at postsecondary institutions, have access to the information and supports they need to understand the new legal requirements and make informed decisions about cannabis use.
- To ensure these initiatives are feasible and effective in the PSE context, MAESD is currently seeking stakeholder input on its potential scope and implementation.
- MAESD will revise and finalize its proposals for prevention/harm reduction initiatives based on input received from stakeholders and stakeholders will continue to be engaged as part of the development of these initiatives, and the broader implementation of the legalization of cannabis.



# Public Information, Awareness and Partnerships

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## **Planned province-wide public awareness campaign on areas of provincial responsibility, including age, where recreational cannabis could be consumed, and provincial drug-impaired driving measures**

- The federal government is leading national public awareness on the health risks of cannabis use and dangers of cannabis-impaired driving and have announced plans to invest in a public education campaign to protect young people.
- The province's campaign will complement the federal government's planned national public awareness campaign to promote public health, prevention and harm reduction.
- Provincial efforts will focus on ensuring that Ontarians (particularly youth and young adults) are aware of provincial rules to protect public health and safety.

### **Ministry of Transportation (MTO)**

MTO is working directly with its extensive network of provincial and regional road safety and enforcement partners, including MADD Canada, arrive alive DRIVE SOBER, the Canadian Automobile Association, Ontario Students Against Impaired Driving, Parachute, Operation Springboard, Teens Learn to Drive, the Ontario Association of Chiefs of Police and others to leverage their support in launching and delivering a wide array of anti-drug impaired driving activities. Activities include online, digital and print media campaigns, public service announcements, printed and website materials, displays, trade shows, presentations, and school events.



# Workplace Safety and Cannabis



## Guidance material to help workplaces manage occupational health and safety issues related to impairment due to substance use

<https://www.labour.gov.on.ca/english/hs/pubs/impairment.php>

### Workplace Impairment

- Workplace impairment is not a new issue and has many sources, including substance use and prescription medication.
- Existing health and safety protections in place for workplaces under the *Occupational Health and Safety Act* (OHSA) and its regulations apply to cannabis and other substances.
- Existing employer and supervisor duties under OHSA to take every precaution reasonable in the circumstances for the protection of a worker – and worker duties to work in a safe manner – apply to cannabis and other substances as well.
- Three OHSA regulations explicitly address impairment at work and/or prohibit alcohol or drugs other than prescription medication in mines and mining plants, on diving operations, and on off-shore oil and gas rigs.

### Other Resources

- The Ministry of Labour's **health and safety system partners** may have other resources to help workplaces manage impairment:
  - Infrastructure Health and Safety Association (IHSA): <http://www.ihsa.ca/>
  - Public Services Health & Safety Association (PSHSA): <https://www.pshsa.ca/>
  - Workplace Safety North (WSN): <https://www.workplacesafetynorth.ca/>
  - Workplace Safety & Prevention Services (WSPS): <http://www.wsps.ca/Home.aspx>
  - Workers' Health and Safety Centre (WHSC): <https://www.whsc.on.ca/Home>
  - Occupational Health Clinics for Ontario Workers (OHCOW): <http://www.ohcow.on.ca/>
- The **Canadian Centre for Occupational Health and Safety** has also developed resources about cannabis and impairment:
  - Impairment at Work Fact Sheet: <http://www.ccohs.ca/oshanswers/hsprograms/impairment.html>
  - Workplace Strategies: Risk of Impairment from Cannabis:  
[http://www.ccohs.ca/products/publications/cannabis\\_whitepaper.pdf](http://www.ccohs.ca/products/publications/cannabis_whitepaper.pdf)



# Responsible Economic Development

**Legalized cannabis could generate new economic growth and employment opportunities – Work is under way with a range of stakeholders to determine how best to help grow the cannabis sector responsibly.**

Legalization presents a **new economic opportunity for municipalities** and the province

**Ontario has a strong footprint in the medical cannabis** market, which gives the province a strategic advantage

## Medical Cannabis Sector in Ontario

- ✓ There are 57 Federally Licensed Producers (LPs) located in diverse communities across Ontario\*
- ✓ Ontario LPs represent 55% of Canada's total, including some of the largest medical cannabis companies in the world\*
- ✓ The medical cannabis sector supports approx. 1,000 cannabis related jobs in Ontario with potential for creating new high-value jobs in R&D, technology and manufacturing

## Ministry of Economic Development and Growth/Ministry of Research, Innovation and Science (MEDG/MRIS)

MEDG/MRIS is **developing a cannabis sector strategic approach** to support responsible economic development of the cannabis sector; and, supporting **provincial engagement with Indigenous communities** on potential economic opportunities.

\* As of May 4, 2018 – Health Canada, Authorized Licensed Producers of Cannabis for Medical Purposes



# Additional Resources and Provincial Contact Information

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- For more information on the provincial cannabis framework, please visit: [www.ontario.ca/cannabis](http://www.ontario.ca/cannabis)
- The *Cannabis Act, 2017* and its supporting regulations can be accessed at: [www.ontario.ca/laws/statute/17c26](http://www.ontario.ca/laws/statute/17c26)
- The *OCRCA, 2017* and its supporting regulations can be accessed at: [www.ontario.ca/laws/statute/17o26](http://www.ontario.ca/laws/statute/17o26)
- For more information on cannabis, including short and long-term health effects, and federal cannabis legalization and regulation, please visit: [www.canada.ca/cannabis](http://www.canada.ca/cannabis)
- Federal Bill C-45 can be accessed at: [www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269&Language=E](http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269&Language=E)

## Provincial Contacts:

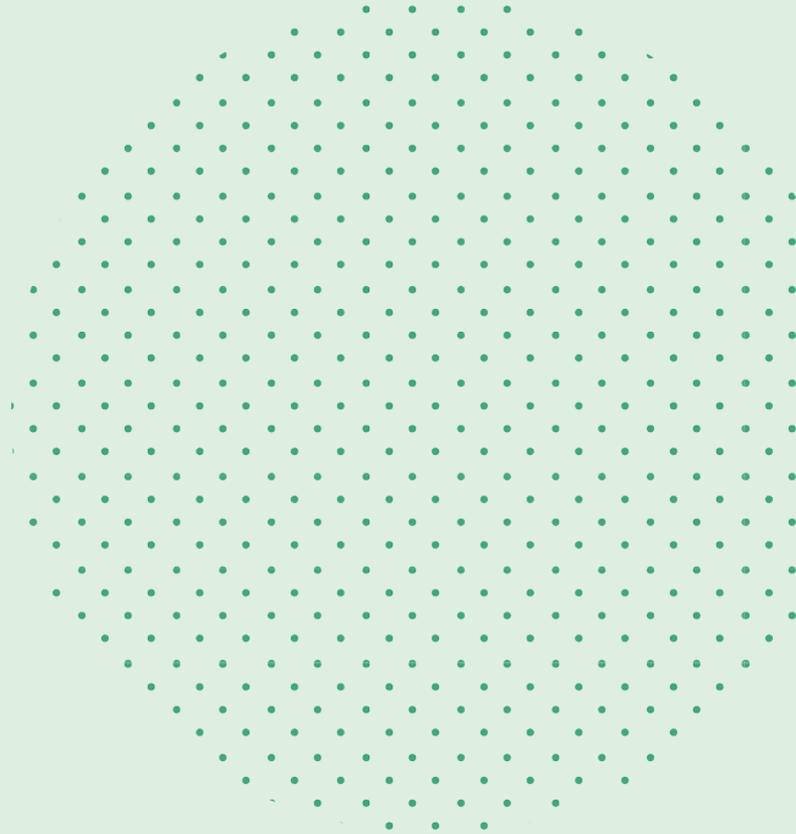
Renu Kulendran, Executive Director  
Ontario Legalization of Cannabis Secretariat  
Ministry of the Attorney General  
[Renu.Kulendran@ontario.ca](mailto:Renu.Kulendran@ontario.ca)

Nicole Stewart, Executive Lead  
Cannabis Retail Implementation Project  
Ministry of Finance  
[Nicole.Stewart@ontario.ca](mailto:Nicole.Stewart@ontario.ca)



# Appendix

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# Penalties under the *Cannabis Act, 2017*

## Offences related to illicit market participation:

Unlawful sale and distribution (s. 6)*		
	Minimum	Maximum
Fine upon first conviction (individuals)	N/A	\$250,000 and/or a term of imprisonment of not more than two years less a day
Fine upon first conviction (corporations)	\$25,000	\$1,000,000
For each day or part of a day on which the offence occurs or continues on subsequent offences (individuals)	N/A	\$100,000 and/or a term of imprisonment of not more than two years less a day
For each day or part of a day on which the offence occurs or continues subsequent offences (corporations)	\$10,000	\$500,000
Allowing property to be used for unlawful sale or distribution (s. 13)**		
	Minimum	Maximum
Fine upon first conviction (individuals)	N/A	\$250,000 and/or a term of imprisonment of not more than two years less a day
Fine upon first conviction (corporations)	\$25,000	\$1,000,000
For each day or part of a day on which the offence occurs or continues on subsequent offences (individuals)	N/A	\$100,000 and/or a term of imprisonment of not more than two years less a day
For each day or part of a day on which the offence occurs or continues subsequent offences (corporations)	\$10,000	\$500,000

\*Unlawful selling, or distributing illicit cannabis or distribution by a person over the age of 18 of more than 30 grams of dried licit cannabis or its equivalent, would also be an offence under the proposed federal Bill C-45.

\*\*To aid in the enforcement of offences under sections 6 and 13, the *Cannabis Act, 2017* includes an interim closure authority for non-residential premises that are believed to have been used in the commission of the offence (s. 18).



# Penalties under the *Cannabis Act, 2017*, Cont'd

## Offences involving individuals under 19 years of age:

Selling or distributing to an individual under 19 years of age (s. 7)*		
	Fine	Imprisonment
Individuals	Maximum: \$200,000	A term of imprisonment of not more than two years less a day, either in lieu of or in addition to a fine
Corporations	Maximum: \$500,000	N/A
Possession and consumption by individual under 19 years of age (s. 10(1))**		In lieu of a fine, the court may choose instead to refer a young person convicted of one of these offences to an approved education or prevention program.
Fine	Imprisonment	
Maximum: \$200	N/A	
Home cultivation by individual under 19 years of age (s. 10(2))***		
Fine	Imprisonment	
Maximum: \$200	N/A	

\*Selling or distributing cannabis to an individual under **18** years of age would be an offence under the proposed federal Cannabis Act.

\*\*In addition to the provincial offence, the proposed federal Cannabis Act would make it an offence for an individual under **18** years of age to possession more than 5 grams of dried cannabis, or its equivalent.

\*\*\* In addition to the provincial offence, the proposed federal Cannabis Act would make it an offence for an individual under **18** years of age to cultivate, propagate or harvest cannabis.

## Unlawful consumption:

Consumption in a public place, workplace, vehicle or boat or prescribed place (s. 11)	
Maximum fine, no previous convictions	\$1,000
Maximum fine, one or more prior convictions	\$5,000



# Penalties under the *Cannabis Act, 2017*, Cont'd

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## **Other Offences:**

A general offence provision will apply to the following offences:

- Presenting documentation as proof of age that was not lawfully issued to the person presenting it (s. 7(4));
- Sale or distribution to intoxicated persons (s. 8);
- Unlawfully purchasing cannabis (s. 9);
- Unlawfully transporting cannabis (s. 12);
- Possessing the proceeds of an offence (s. 15);
- Remaining in a premises after being required to vacate (s.17(2));
- Re-entering a premises on the same day that a person is required to vacate (s. 17(2));
- Contravening of any order made under the Act (s. 22); and
- Contravening a provision of a regulation made under the Act (s. 22).

## **Penalties:**

23(1) Subject to subsections (2) to (7), on conviction for an offence under this Act,

- (a) a corporation is liable to a fine of not more than \$250,000; and
- (b) an individual is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year or both.

**In addition to any other remedy or penalty provided by law the court may make one or more of the following orders:**

- An order requiring the person, within the period or periods specified in the order, to do or refrain from doing anything specified in the order.
- An order imposing requirements that the court considers appropriate to prevent similar unlawful conduct or to contribute to the person's rehabilitation.
- An order prohibiting the continuation or repetition of the offence by the person.
- An order under section 25, subject to subsection 25(11) (closure order for premises that are not used for residential purposes).



# Cannabis Act, 2017 – Short-form Wordings

- Amendments to Regulation 950 under the *Provincial Offences Act (POA)* have been made to establish short form wordings for certain offences under the *Cannabis Act, 2017*.
- Subject to set fines being requested by the Ministry of the Attorney General in advance of legalization and ordered by the Chief Justice of the Ontario Court of Justice, this will allow law enforcement personnel enforcing the *Cannabis Act, 2017* to proceed by way of certificate of offence (or “tickets”) under Part I of the *POA* for apparent contraventions of some provisions of the *Cannabis Act, 2017*:

Provision	Offence
<b>Subsection 7(2)</b>	Sell cannabis or deliver purchased cannabis to person who appears to be under 25 years
<b>Subsection 7(4)</b>	Present identification not lawfully issued to the holder
<b>Section 8</b>	Knowingly sell or distribute cannabis to intoxicated, or apparently intoxicated, person
<b>Section 9</b>	Unlawful purchase of cannabis
<b>Subsection 10(1)</b>	Person under 19 possessing, consuming, attempting to purchase, purchasing or distributing cannabis
<b>Subsection 10(2)</b>	Person under 19 propagating, harvesting or cultivating, or offering to propagate, harvest or cultivate, cannabis
<b>Clauses 11(1)(a), (b) or (d)</b>	Consuming cannabis in a prohibited place, other than a vehicle or boat
<b>Subsection 12(1)</b>	Driving or having care or control of a vehicle or boat with cannabis in open baggage or readily available

- Other *Cannabis Act, 2017* offences, including those related to illegal selling and distribution and the use of cannabis in vehicles, would be limited to proceeding by way of an information under Part III of the *POA*.



# The *Residential Tenancies Act, 2006* and Cannabis

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- The *Residential Tenancies Act, 2006* does not address cannabis consumption or home cultivation.
- Landlords and tenants can agree to rules about smoking, consumption and cultivation of cannabis in the residential complex (including the rental unit) in their tenancy agreement.
- Smoking or cultivating cannabis in violation of a term in the lease is not, in itself, a ground for eviction under the *Residential Tenancies Act, 2006*.
- A landlord may give notice to end a tenancy if the tenant's smoking or cultivation of cannabis:
  - Substantially interferes with reasonable enjoyment of the landlord or other tenants;
  - Causes undue damage;
  - Impairs safety;
  - Substantially interferes with another lawful right, privilege or interest of the landlord; or,
  - Constitutes an illegal activity.
- Only the Landlord and Tenant Board can order an eviction of a tenant.



# ***Cannabis Act, 2017* – Places of Consumption Regulation**

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## **Medical Cannabis Use**

- Medical cannabis users would be prohibited from using medical cannabis while driving or having care or control of a vehicle or boat, whether or not the vehicle or boat is in motion. Medical cannabis users would still be permitted to consume cannabis if they are a passenger in a vehicle or boat, provided the cannabis is not smoked or vaped.

## **Clarification of Places of Use Rules for Recreational Cannabis**

- Certain places where recreational cannabis would not be able to be used have been prescribed in order to provide greater certainty of the scope of the places of use rules without limiting their generality and to ensure alignment with the SFOA, 2017 where appropriate, including:
  - A school within the meaning of the *Education Act*,
  - a building or the grounds surrounding the building of a private school within the meaning of the *Education Act*, where the private school is the only occupant of the premises, or the grounds annexed to a private school, where the private school is not the only occupant of the premises;
  - A child care centre within the meaning of the *Child Care and Early Years Act, 2014*; and,
  - A place where an early years program or service is provided within the meaning of the *Child Care and Early Years Act, 2014*.
- The smoking or vaping of recreational cannabis would be prohibited in any indoor common area in a condominium, apartment building or university or college residence. This is consistent with the *SFOA, 2017*. The use of other forms of recreational cannabis would not be restricted in these areas.



# ***Cannabis Act, 2017 – Places of Consumption Regulation, Cont'd***

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## **Hotel, Motel and Inn Rooms**

- A limited exemption has been established to permit the use of recreational cannabis in hotel, motel and inn rooms.
- Registered guests or invited guests of registered guests would be permitted to use recreational cannabis in a hotel, motel or inn room, provided the room is primarily designated as sleeping accommodation and the cannabis is not being smoked or vaped.
- The smoking or vaping of cannabis would only be permitted in designated smoking rooms, which is in alignment with the *SFOA, 2017*.

## **Vehicles and Boats as Private Residences**

- A limited exemption has been established to permit the use of recreational cannabis in vehicles and boats when they are in use as living places in specified circumstances (e.g. vehicle is not on a highway, boat is secured to a dock). This is consistent with the rules respecting alcohol consumption under the *Liquor Licence Act*.

## **Workplaces in Private Residences**

- Most private residences that are also workplaces would be exempt from the prohibition on consuming cannabis in workplaces.
- Certain residences that also serve as workplaces would be subject to specific conditions on where and how recreational cannabis can be consumed (e.g. long-term care homes, hospices and other similar facilities).
- The exemptions are similar to the consumption rules in the *SFOA, 2017*.

