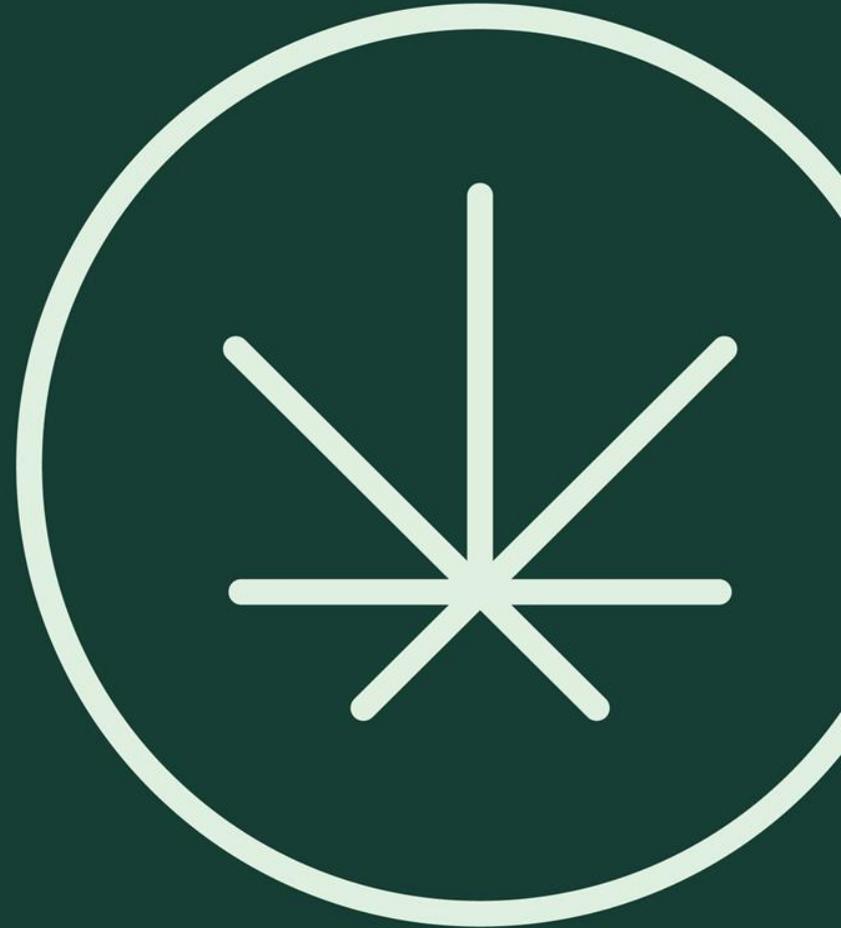


# **Cannabis Legalization ROMA Conference January 2019**

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Ministry of Attorney General



# Federal Cannabis Legalization and Regulation

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The Cannabis Act (*Canada*) came into force across Canada on October 17, 2018.

## Supply Chain Oversight and Regulation

- **Federal licensing** for production, cultivation and processing of cannabis
- **Provinces and territories authorized to distribute and sell cannabis**, subject to federal conditions
- **Federal regulation of cannabis for medical purposes** continues

## Youth Access Restrictions

- **Minimum age of 18**
- Not an offence for youth to possess five grams or less of cannabis

## Adult Access

- **30 gram adult public possession limit** of legal dried cannabis
- **Adults could grow up to four cannabis plants** per residence for personal use

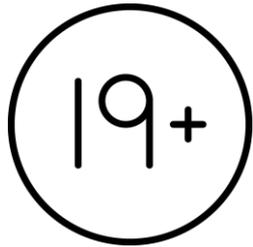
- **Provinces and territories have the ability to set their own rules** for cannabis, including minimum age, how it's sold, places of use, and possession limits.



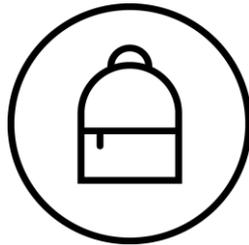
# Provincial Cannabis Legislation

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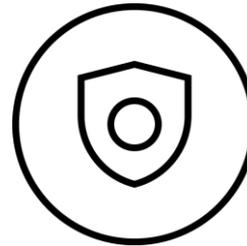
Ontario's *Cannabis Control Act, 2017* and *Cannabis Licence Act, 2018* are now in force.



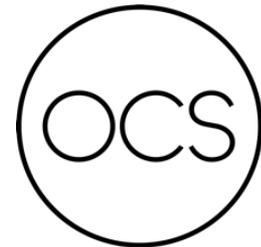
Prohibits the sale of recreational cannabis to anyone under the **age of 19**



**Must be 19+ to possess, cultivate, consume and share** cannabis



Additional tools to address **illegal selling**, including storefront dispensaries\*



**Ontario Cannabis Store is the exclusive retailer** for legal cannabis in Ontario through its online channel



# Regulating Private Retail

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- The *Cannabis Licence Act, 2018* creates a regulated licensing and regulatory framework for private storefront cannabis retailing in Ontario and establishes the **Alcohol and Gaming Commission of Ontario (AGCO) as the independent provincial regulator** for cannabis storefronts.
- The AGCO will oversee the private channel and ensure the province's objectives related to cannabis retailing, **protecting youth and combatting the illegal market**, are met.
- The Ontario Cannabis Store is the exclusive wholesaler and online retailer of cannabis in the province.

## Retail Regulations

- Ontario has established regulations for the licensing and operation of private cannabis stores, including:
  - Retail stores must be stand-alone only with age restricted access (19+)
  - A minimum distance of 150 metres between cannabis retail stores and most schools
  - Individuals who have committed certain cannabis-related criminal offences and associations with organized crime will not be eligible to receive a licence.
  - Requirement to display the cannabis retailer seal.



# Licensing Allocation

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- Given the current national supply shortage of legal cannabis, the province has temporarily changed the way private retail store licences will be allocated. The amended Ontario Regulation 468/18 under the *Cannabis Licence Act, 2018* sets out new requirements for the AGCO to administer the allocation of a **maximum of 25 stores for April 1, 2019**.
- To ensure a fair and transparent process, the AGCO implemented a temporary lottery system to determine who is eligible to apply for the first authorizations to legally operate a store. The lottery, which was overseen by a third-party fairness monitor, took place on January 11, 2019.
  - The lottery is the first step and applicants selected through the lottery process will be required to file applications for a Retail Operator Licence and Retail Store Authorizations, pay the associated fees and meet eligibility requirements.
- The Ontario Cannabis Store continues to work closely with federally licensed producers to monitor the availability of supply and to secure supply for Ontario.



# Enforcement – Illegal Selling

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- The *Cannabis Control Act, 2017* contains additional tools to address the illicit market including an interim closure authority for storefronts that are suspected of being used for the illegal sale or distribution of cannabis as well as high and escalating maximum fines.
- To help fight the unsafe and illegal supply of cannabis, the Province has established the **Cannabis Intelligence Coordination Centre (CICC)**, which supports enforcement agencies as they shut down illegal storefronts.
  - The CICC is part of a broader provincial enforcement model, the efforts of which will help suppress the illegal supply and distribution of cannabis in Ontario.
- Since October 2018 there has been a **significant reduction in the number of illegal cannabis storefronts** in Ontario:
  - 89% in Toronto, Ottawa, Peel and York;
  - 75% on average for all municipalities;
  - 48% reduction province-wide.



# Enforcement - Designation Process

- The *Cannabis Control Act, 2017* allows police officers and **other persons designated by the Attorney General to enforce the Act**, including:
  - Seizure authority;
  - Interim closure authority;
  - Removal of people from premises that are suspected of using the premise for contraventions under the Act;
- Enabling additional officers to be designated responds to concerns from enforcement and municipal stakeholders that police may not have capacity to enforce cannabis rules given multiple competing priorities.
  - In larger Ontario municipalities, innovative enforcement action against illegal storefront cannabis operations is often already pursued by municipal by-law enforcement officials in partnership with local police (e.g. pursuing zoning by-law infractions in addition to criminal charges).
  - Smaller municipalities may not see a role for their municipal by-law officers in enforcement action against illegal sellers due to capacity restraints, the role of police services, or a limited number of illegal storefronts.
  - Additional municipal enforcement considerations include: training, seizure/storage, relationship with police services
- Since the coming into force of the *Cannabis Control Act, 2017*, **police and designated officers have laid 224 charges related to illegal selling** and distribution of cannabis, and **24 against landlords** for knowingly permitting illegal cannabis activities on their properties.



# Enforcement – Impaired Driving

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## Provincial Impaired Driving Legislation

Amendments to the *Highway Traffic Act* to make changes to provincial **impaired driving laws**, including a zero-tolerance approach for young, novice and commercial motor vehicle drivers, higher financial penalties for all impaired drivers – zero-tolerance sanctions came into force on July 1, 2018 and higher financial penalties for impaired driving will come into force on January 1, 2019.

- Impaired driving detection training has been expanded, and a specialized legal team to support drug-impaired driving prosecutions has been created.
- The Ontario Police College (OPC) is leading the coordination of **Standardized Field Sobriety Testing** (SFST) training for the province.
  - There is no cost to police services to have their officers attend this training.
  - As of January 2019, **3,762 officers have been trained**.
- **Drug Recognition Expert** (DRE) certification training is currently coordinated by the Ontario Provincial Police (OPP) and is ongoing.
  - As of January 2019, **349 officers have been trained**.
- Ontario continues to work with Public Safety Canada to finalize the plan to support the **purchase of Approved Drug Screening Equipment**.



# Enforcement – Training

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- Ontario is committed to ensuring that the appropriate law enforcement personnel have the tools, training and resources needed for legalization.
- The Ministry of Community Safety and Correctional Services (MCSCS) launched **e-learning training on the *Cannabis Control Act, 2017*** to address the needs of Ontario police officers and to assist them in the enforcement of the new legislation.
- The module was developed by the Ontario Police College in consultation with municipal police services and the Ontario Provincial Police
  - This training supplements the Canadian Police Knowledge Network training on the *Cannabis Act (Canada)*.
  - To date, 5,782 officers have participated in the training.



# Places of Consumption

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The smoking and vaping of cannabis aligns with the rules for the smoking and vaping of tobacco products under the *Smoke Free Ontario Act, 2017*

- Smoking and vaping of medical and recreational cannabis is allowed in private residences and many outdoor places (e.g., sidewalks and parks).
- Smoking and vaping is prohibited:
  - in enclosed public places, enclosed workplaces, and other specified places;
  - at school, on school grounds, and all public areas within 20 metres of these grounds;
  - on children’s playgrounds and public areas within 20 metres of playgrounds;
  - in child care centres or where an early years program is provided; and
  - in places where home child care is provided, even if children are not present.
- **All methods of consuming cannabis are prohibited in vehicles and boats** that are being driven or under a person’s care or control, subject to certain exceptions prescribed by regulation.
- **In general, municipalities can pass by-laws** further restricting the use of cannabis.



# Public Education and Prevention

In the lead up to legalization, Ontario launched a **public awareness campaign** to educate and communicate with the public regarding applicable rules, regulations and health and safety measures.

Other initiatives include:

- ✓ Fact sheets for educators, parents and youth, to increase awareness about cannabis, prevent and/or delay cannabis use among youth
- ✓ Substance use prevention and harm reduction guidelines for Public Health Units
- ✓ Training and resources for child and youth mental health agencies
- ✓ #dontdrivehigh and other drug impaired driving campaigns and programs delivered through partner agencies and directed at youth and young people
- ✓ Cannabis Toolkit for post secondary students

**Cannabis smoke  
and drive?**



**NO**

No. Using cannabis and driving is illegal and dangerous. It can result in serious penalties like large fines and jail time.



Have questions?  
Visit [ontario.ca/Cannabis](https://ontario.ca/Cannabis)

Paid for by the Government of Ontario



# Cannabis Youth Diversion Program

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- The *Cannabis Control Act, 2017* provides **law enforcement personnel, prosecutors and courts** with the opportunity to refer young people to prevention and education programs approved by the Attorney General.
- The Ministry of Children, Community and Social Services has worked in close partnership with Springboard Services to develop a **customized online youth education and prevention program for youth under the age of 19.**
- This program can be utilized both pre- and post-charge and would serve as an alternative to fines and other judicial sanctions.
- This program will be launched shortly.



# Municipal Funding

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- **Ontario is providing \$40 million in funding over two years** to help municipalities with the cost of recreational cannabis legalization and combatting the illegal market.
  - **The first payment of \$15 million** has been made on a per household basis – adjusted so that at least \$5,000 was provided to each municipality – to support their planned legalization activities.
  - **The second payment of \$15 million** will be distributed by the end of February 2019, after the January 22, 2019 deadline for municipalities to opt out.
  - Municipalities that have not opted out as of January 22, 2019 will receive funding on a per household basis – adjusted so that at least \$5,000 is provided to each municipality.
  - Municipalities that have opted out will receive a second \$5,000 each and will not be eligible for further funding regardless of any future decision to opt in.
- **The province is setting aside \$10 million** of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis. Priority will be given to municipalities that have not opted-out.
- If Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100M, the province will provide 50 per cent of the surplus to those municipalities that have not opted out as of January 22, 2019.



# What's next? Preparing for Edibles, Extracts and Topicals

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- The federal government has committed to authorizing the legal production and sale of cannabis edibles and concentrates no later than October 17, 2019.
- In December 2018, Health Canada posted proposed amendments to the *Cannabis Act* (Canada) and Cannabis Regulations for public comment, including:
  - Amending the *Cannabis Act* (Canada) to include **three new classes of cannabis**:
    - **Edible Cannabis**
    - **Cannabis Extracts**
    - **Cannabis Topicals**
  - Amending the Cannabis Regulations by expanding or adding new requirements related to licensing; good production practices; product specifications; packaging and labelling.
- We are currently reviewing these proposed amendments and their potential impacts for Ontario, with lessons learned to date since the legalization of dried, oils, etc.
- Municipalities and the public may also respond to the federal government's consultation by February 20, 2019, via an online survey or by writing to [cannabis@canada.ca](mailto:cannabis@canada.ca).



# Next Steps

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- We will work with the Alcohol and Gaming Commission of Ontario to support the initial roll out of stores in April 2019 and monitor retail implementation across Ontario
- We will continue to work with our municipal partners, police services, First Nation communities and other key stakeholders as implementation of recreational cannabis legalization continues
- We will continue to engage with Health Canada to address legal cannabis supply shortages and other forms of cannabis (e.g. edibles, concentrates and topicals)
- We will continue to measure and evaluate Ontario's approach using pre- and post-legalization data

