

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
19 November 2018 / 19 novembre 2018**

**Submitted on November 9, 2018
Soumis le 9 novembre 2018**

**Submitted by
Soumis par:**

**Dr. / D^{re} Vera Etches, Acting Medical Officer of Health, Ottawa Public Health /
médecin chef en santé publique par intérim, Santé publique Ottawa**

**Contact Person
Personne ressource:**

**Gillian Connelly, Manager, Healthy Communities, Ottawa Public Health /
gestionnaire, Communautés saines, Santé publique Ottawa
613-580-2424, x. 28971, Gillian.Connelly@Ottawa.ca**

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-OPH-HPP-0009

SUBJECT: MEDICAL OFFICER OF HEALTH SUBMISSIONS TO THE PROVINCE
ON THE *SMOKE FREE ONTARIO ACT, 2017* AND *CANNABIS ACT,*
2017

OBJET: SOUMISSIONS DE LA MÉDECIN CHEF EN SANTÉ PUBLIQUE À LA
PROVINCE CONCERNANT LA *LOI DE 2017 FAVORISANT UN*
ONTARIO SANS FUMÉE ET DE LA *LOI DE 2017 SUR LE CANNABIS*

REPORT RECOMMENDATION

**That the Board of Health for the City of Ottawa Health Unit receive the Medical
Officer of Health's submissions to the Province of Ontario with respect to the
Smoke-Free Ontario Act, 2017 Regulation and Bill 36, *Cannabis Statute Law***

Amendment Act, 2018, as outlined in Documents 1 and 2 respectively, and approve the recommendations contained therein.

RECOMMANDATION DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa prenne connaissance des soumissions de la médecin chef en santé publique à la province concernant la *Loi de 2017 favorisant un Ontario sans fumée* et le *Project de loi 36, Loi de 2018 modifiant des lois en ce qui concerne le cannabis*, tels que détaillées aux documents 1 et 2 respectivement, et approuve les recommandations qu'elles contiennent.

BACKGROUND

The Ottawa Board of Health supports a public health approach to the legalization of cannabis and has adopted evidence-based positions in the development of a new legislative and regulatory framework. This includes Ottawa Public Health's (OPH) plan to reduce the harms from cannabis use, which focuses on supporting people along the continuum of substance use.

OPH staff have been monitoring developments related to legalization and taken every opportunity to have input into federal and provincial legislation and regulations with respect to same.

On February 5, 2018 the Board considered a report titled: [“Preparing for the Legalization of Non-medical Cannabis”](#) and adopted a position on regulations for cannabis production as well as packaging and labelling. The Board also approved a motion to adopt a formal position and approved a proposed submission on regulations relating to cannabis retail and distribution.

On April 16, 2018, the Board approved two submissions to the provincial government:

1. Related to places of use under the [Cannabis Act, 2017](#) and feedback on establishing specific restrictions and exemptions for where non-medical cannabis and other forms of medical cannabis may be used; and
2. Related to the [Smoke-Free Ontario Act, 2017 \(SFOA\)](#) proposed regulations to establish restrictions on places of use and restrictions or requirements for tobacco and vapour products with respect to places of sale, flavoured products, sale/supply to minors, signage, display and promotion, packaging and health warnings.

On September 7, 2018, OPH issued an Information Previously Distributed (IPD) [memo](#) providing an overview of recent provincial announcements with public health implications, including changes to how Cannabis would be sold in Ontario and a pause in the implementation of the *Smoke-Free Ontario Act, 2017*, pending consultation.

Most recently, two (2) draft submissions were circulated to the board containing the comments and recommendations of the Medical Officer of Health (MOH), for review and input prior to their response deadlines. These were as follows:

- October 5, 2018 submission to the Ministry of Health and Long-Term Care on the regulatory amendments to the *Smoke-Free Ontario Act, 2017*, attached at Document 1; and
- October 12, 2018 submission to the membership of the Standing Committee on Social Policy regarding Bill 36, *Cannabis Statute Law Amendment Act, 2018*, attached at Document 2).

DISCUSSION

OPH continues to promote a public health approach to the legalization of cannabis to minimize the negative health and social impacts. Accordingly, OPH has been recommending that upper levels of government adopt an approach that is committed to evidence-informed decisions about regulations that protect public health initially and in the long-term.

In preparing recommendations to the most recent provincial consultations, OPH staff considered the available health evidence, lessons learned from regulating other substances, the approach taken in U.S. jurisdictions where non-medical cannabis is legal, and consulted with partners.

In the October 5, 2018 submission to the Ministry of Health and Long-Term Care on the regulatory amendments to the *Smoke-Free Ontario Act, 2017*, the MOH recommended further restrictions to help protect Ontarians from exposure to all forms of second-hand smoke and vapour and to protect Ontario's young people from the marketing and promotion of vapour products in retail locations.

In the October 12, 2018 submission, circulated to Members of the Standing Committee on Social Policy regarding Bill 36, *Cannabis Statute Law Amendment Act, 2018*, the MOH proposed recommendations aimed at better protecting the health and safety of the population, specifically with respect to the use and sale of cannabis in Ontario.

The MOH's submissions to the province, attached as Documents 1 and 2, provided recommendations with accompanying rationale and evidence. Through this report, OPH is recommending that the Board of Health receive these submissions and approve the recommendations contained therein.

Of note, on October 17, 2018, Bill 36 received royal assent and Ontario Regulation 439/18, under the *Smoke-Free Ontario Act, 2017* was filed. The provincial government did not adopt the MOH's recommendations. That said, the government has the potential to incorporate some of the MOH's recommendations related to private retail in yet to be promulgated regulations under the *Cannabis License Act, 2018*. The *Cannabis License Act, 2018* is not yet in force as private retail stores are not expected to be in operation until April 1, 2019. The MOH's recommendations included: establishing limits on the number of retail locations, restrictions on density of stores, buffer zones from sensitive areas (public parks, schools, recreation centres), establishing minimum pricing, establishing hours and days of operation and restricting point of sale promotion and displays.

Next Steps:

OPH will continue to monitor developments, to seek opportunities to bring a public health perspective, and to update the Board of Health as appropriate.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

OPH will continue to consider input from partners when responding to future federal and provincial consultations on regulating cannabis and on creating smoke-free environments.

LEGAL IMPLICATIONS

There are no legal impediments to the Board of Health approving this report's recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This report supports the City Council priority with respect to Health and Caring Communities. It also supported the Ottawa Public of Health Strategic Priority with respect to Advancing Healthy Public Policy.

SUPPORTING DOCUMENTATION

Document 1 – Submission to the Ministry of Health and Long-Term Care on the regulatory amendments to the *Smoke-Free Ontario Act, 2017*

Document 2 – Submission circulated to Members of the Standing Committee on Social Policy regarding Bill 36, *Cannabis Statute Law Amendment Act, 2018*

DISPOSITION

This report is presented to the Board for approval of the recommendations outlined in the supporting documents. Staff will continue to monitor any proposed legislation, regulations and emerging evidence related to smoke-free legislation and the legalization of cannabis and report to the Board of Health as needed.