

REGULATORY REGISTRY FEEDBACK FORM

Proposed Places of Use Regulations under the Cannabis Act, 2017

The Ontario government would like your feedback on regulatory proposals related to where cannabis can be used under the Cannabis Act, 2017.

The proposed regulations are intended to continue to support Ontario's safe and sensible framework for recreational cannabis and protect the health and well-being of all Ontarians, especially children, youth and other vulnerable populations. More information on the proposed regulations can be found in the paper provided on the Regulatory Registry.

Please use this form to submit your feedback on proposed regulations posted on the Regulatory Registry at <http://www.ontariocanada.com/registry/>.

The closing date for providing feedback is **March 5, 2018**.

Contact Information

Please provide your name, title and the full name and address of your organization (if you are submitting comments on behalf of an organization).

*Cynthia Olsen
Coordinator, Thunder Bay Drug Strategy
Thunder Bay Drug Strategy
2nd Floor, City Hall
500 Donald St E
Thunder Bay, On
P7E 5V3*

About You or Your Organization

(please check the appropriate box/boxes)

- | | |
|--|--|
| <input type="checkbox"/> Health organization | <input checked="" type="checkbox"/> Municipality |
| <input type="checkbox"/> Educator | <input type="checkbox"/> Indigenous organization/community |
| <input type="checkbox"/> Law enforcement | <input type="checkbox"/> Other _____ |

Region

(please refer to map and check appropriate box)

- 1. Central Ontario
- 2. Eastern Ontario
- 3. Greater Toronto Area
- X 4. Northern Ontario
- 5. Southeastern Ontario
- 6. Southwestern Ontario
- 7. Western Ontario
- 8. Provincial



Proposed Regulations

Places of Use for Medical Cannabis

It is proposed to prohibit medical cannabis users from using medical cannabis while driving or having care or control of a vehicle or boat, whether or not it 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.

It is proposed to exempt medical cannabis users from the prohibition on transporting cannabis under the following conditions:

- The cannabis was obtained in accordance with applicable federal law respecting medical cannabis
- The person transporting the cannabis is a medical user
- The cannabis is not readily available to the driver or operator of the vehicle or boat

Do you have any comments regarding the proposed rules for medical cannabis?

We have concerns about individuals being able to consume other forms of cannabis in a vehicle and, therefore, it could be readily available to the driver. We feel there is a need to clearly state that “not readily available” means in a closed container (not necessarily that the seal has never been broken). We feel there needs to be more education around medical cannabis, if youth are prescribed cannabis then it should, if at all possible, only come in the edible/oral form and not smoking/vaping form. There are concerns that all medications should not be readily available to drivers, not just cannabis, (i.e. A person has a prescription for lorazepam open in a vehicle). We feel that there is a double standard for otherwise “legal” prescriptions, that there is no restriction placed on other individuals. We are concerned about how to police/enforce this appropriately. This issue is similar to enforcement of individuals who still smoke cigarettes with children in the car. We recommend indicating that prescription documentation always needs to be on the person who holds the prescription when in possession of their prescription.

Clarification of Places of Use Rules for Recreational Cannabis

It is proposed to prescribe the following places as additional places where recreational cannabis **cannot** be used for greater certainty without limiting the generality of the places of use rules and to ensure alignment with the *Smoke-Free Ontario Act, 2017*, where appropriate:

- 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*.
- A place where an early years program or service is provided within the meaning of the *Child Care and Early Years Act, 2014*.

It is also proposed to restrict the smoking or vaping of recreational cannabis in any indoor or outdoor common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas. This is consistent with our safe and sensible approach to cannabis legalization and with the public health intent of the *Smoke-Free Ontario Act, 2017* to protect youth and young adults from exposure to smoke and vape. The use of other forms of recreational cannabis would not be restricted in these areas.

Do you have any comments regarding the proposal to clarify the places of use prohibition by prescribing these places?

We feel there need's more clarity around university/college residences and condo/apartments; are personal rooms and units included as a restricted area for smoking and vaping recreational cannabis or is smoking and vaping allowed in these rooms? This is not clear in the proposed regulations. We are in agreement that smoking/vaping in all parts of apt/condo/residence should not be permitted.

Exemption for Hotel, Motel and Inn Rooms

It is proposed to permit registered guests or invited guests of registered guests 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 to align with the *Smoke-Free Ontario Act, 2017*.

Do you have any comments regarding the proposed exemption to permit cannabis use in hotel, motel and inn rooms under certain conditions?

While we think that all hotel rooms should be smoke free, there is some agreement that previously designated smoking rooms should be allowed to permit the use of smoking/vaping of recreational cannabis, however, we feel that vaping would be the best form, not combustion. We would support permitting hotel/motel/inns to create outdoor designated smoking/vaping recreational cannabis areas (not including balconies of the rooms).

Exemptions for Vehicles and Boats used as Private Residences

It is proposed to permit the consumption of recreational cannabis would be permitted in a vehicle equipped with sleeping accommodation and cooking facilities when the vehicle is parked and being used as a residence. The exemption would not apply while the vehicle is on a highway.

It is proposed to permit the consumption of recreational cannabis would be permitted in boats with permanent sleeping accommodations and permanent cooking and sanitary facilities while the boat is at anchor or secured to a dock or land. The dock or land would also be exempt from the consumption prohibition, except at times where the public is invited or permitted access. Boats used to carry passengers for hire would not be included in the exemption.

Do you have any comments regarding the proposed exemptions for vehicles and boats used as private residences?

We feel these regulations are agreeable, however, they should clearly define public vs. private dockage and land (slip vs. dock).

Exemptions for Workplaces in Private Residences

It is proposed to exempt most private residences that are also workplaces from the prohibition on consuming cannabis in workplaces. The proposed exemptions are similar to the consumption rules respecting smoking, e-cigarettes and medical cannabis in the *Smoke-Free Ontario Act, 2017*.

It is proposed to permit the smoking or vaping of recreational cannabis in the following places under the same conditions in which tobacco can be smoked:

- Long-term care homes within the meaning of the Long-Term Care Homes Act, 2017.
- A residential facility that is operated as a retirement home and that provides care, in addition to accommodation, to the residents of the home.
- A supportive housing residence funded or administered through the Ministry of Health and Long-Term Care or the Ministry of Community and Social Services.
- Homes for special care licensed under the *Homes for Special Care Act*.
- Psychiatric facilities formerly designated under the now repealed *Mental Hospitals Act*,
- Specific veterans' facilities: the Parkwood Hospital site of St. Joseph's Health Care London, and the Kilgour wing (K wing) and the George Hees wing (L wing) of the Sunnybrook and Women's College Health Sciences Centre.

Consistent with the approach under the Smoke-Free Ontario Act, 2017, and regulations proposed under that Act, the smoking or vaping of recreational cannabis would only be permitted in the abovementioned facilities under the same conditions in which tobacco smoking, the use of e-cigarettes and the smoking or vaping of medical cannabis is permitted.

The consumption of other forms or recreational cannabis would not be prohibited.

It is proposed to prohibit the smoking and vaping of recreational cannabis in places where home

child care is provided whether or not children are present. Other forms of recreational cannabis would not be prohibited in these places as long as children are not present when the cannabis is being used.

Do you have any comments regarding the proposed exemptions for certain workplaces/residences?

We question who makes the decision that whether someone who desires to smoke/vape is able to do so safely without assistance. Additionally, we wonder why this is in place if this is not done for smoking cigarettes.

Designated Areas in Multi-Unit Dwellings and Consumption Lounges

The Ministry of the Attorney General is considering the following proposals for possible implementation post-legalization:

- Permitting licensed cannabis consumption lounges; and
- Permitting owners or operators of multi-unit dwellings to designate outdoor areas for the consumption of recreational cannabis.

Do you have any comments regarding the proposal to consider future implementation of cannabis consumption lounges and designated outdoor smoking areas for multi-unit dwellings?

We recommend that multi-unit dwelling issues be consulted on pre-legalization and decisions made before legalization. It is necessary to clearly define the roles that landlords have: allowing or prohibiting smoking/vaping indoors, creating outdoor designated areas, as well as ability to allow or prohibit the growing of personal plants. The Province should consider the development of cannabis lounges; but this can wait until post-legalization.

We are interested in any other comments or suggestions you wish to make.

There are concerns that regulations are not consistent nationally, and we feel that it is important that there is consistency. We feel that there is a need for clear definitions of what will be permitted and what will not be permitted with cannabis that is purchased. For example, to prohibit the general public from producing shatter in their own homes, due to the dangerous production methods. We recommend consideration of reevaluating these regulation in the future, perhaps a year after legalization. We feel there is a need to begin conversations with enforcement to determine the implications of enforcing these regulations, and how to do so. The Sub-Committee recommends the creation of a thorough, easy-to-understand list written in plain language of 'do's and don'ts's' in reference to all cannabis regulations to be made available to the public via handouts in store and accessible online. Colorado's "Doobie Do's" can be seen as a model for this list, appreciating the fact that not all of their rules will apply in Ontario. Colorado's "Doobie Do's" can be found here: <http://www.coloradonorml.org/news/colorado-norml-doobie-dos> . The Thunder Bay Drug Strategy Implementation Panel has created a small Sub-Committee of Panel Members to discuss and respond to the proposed regulations set out by the Ontario Government. This submission is on behalf of the Sub-Committee.

Please submit your feedback on the Regulatory Registry by **March 5, 2018**

Privacy Statement

Please note that unless requested and agreed otherwise by the Ministry of the Attorney General, all materials or comments received from organizations in response to this consultation will be considered public information and may be used and disclosed by the ministry to assist the ministry in developing the proposed regulatory amendments. This may involve disclosing materials or comments, or summaries of them, to other interested parties during and after the request for public comment process.

An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified. Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by the individual. However, materials or comments from individuals may be used and disclosed by the ministry to assist in developing the proposed regulatory amendments.

Personal information of those who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the ministry without the individual's consent unless required by law. If you have any questions about the collection of this information, please contact the Ontario Legalization of Cannabis Secretariat at cannabis@ontario.ca