

## Proposed Regulations under the Cannabis Act, 2017

**Regulation Number (s):** N/A

**Bill or Act:** Cannabis Act, 2017

### **Summary of the Proposal:**

In April 2017, the federal government introduced [Bill C-45, the Cannabis Act](#), to legalize and regulate recreational cannabis in Canada by July 2018. Once in force, Bill C-45 will create rules for producing, distributing, selling and possessing cannabis across Canada.

In preparation for the federal legalization of cannabis, Ontario has developed a [safe and sensible framework](#) to govern recreational cannabis within the province. Ontario's safe and sensible approach was informed by the province's experience managing tobacco and alcohol, advice from public safety and health partners, and lessons learned from jurisdictions that have recently legalized cannabis.

As part of this plan, the Government of Ontario introduced [Bill 174, Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017](#), on November 1, 2017. Bill 174 received Royal Assent on December 12, 2017. Schedule 1 of the Bill, which enacts the [Cannabis Act, 2017](#), will be proclaimed into force when federal Bill C-45, the Cannabis Act, comes into force. Schedule 3 of the Bill, which enacts the [Smoke-Free Ontario Act, 2017](#), will be proclaimed into force on a date named by the Lieutenant Governor in Council.

The *Cannabis Act, 2017* establishes provincial rules respecting the sale, distribution, purchase, possession, transportation, cultivation and consumption of cannabis. The Act also creates stringent penalties for individuals or corporations convicted of illegally selling or distributing cannabis, and for landlords who knowingly permit these activities on their premises to combat the illegal market. The *Smoke-Free Ontario Act, 2017* includes rules regarding the smoking and vaping of medical cannabis specifically.

The Ministry of the Attorney General is considering regulations under the *Cannabis Act, 2017* that would:

- Prescribe restrictions on where medical cannabis can be used in a form that is not smoked or vaped
- Clarify the places of use rules for recreational cannabis
- Provide exemptions to permit the consumption of cannabis in hotel, motel and inn rooms, vehicles and boats that are used as residences and in private residences that are also workplaces

The Ministry is also seeking early feedback on prospective proposals to permit licensed and regulated cannabis consumption lounges/venues<sup>1</sup> and/or designated outdoor smoking and vaping areas for cannabis for multi-unit dwellings.

Additional regulatory proposals related to the retail and distribution of cannabis in Ontario, the *Smoke-Free Ontario Act, 2017*, and road safety measures, including impaired driving, have been separately posted on the Regulatory Registry for feedback.

More information on Ontario's approach to federal cannabis legalization is available at: <https://www.ontario.ca/cannabis>

### Places of Use for Medical Cannabis

Ontario's cannabis legislation regulates the use of recreational and medical cannabis separately, as each has different purposes and considerations.

Medical cannabis is obtained for health-related purposes in accordance with applicable federal law. Because this type of cannabis is a form of medical treatment and requires authorization by a health care practitioner, it should be considered from a health perspective.

In addition, individuals who use medical cannabis may need to use their medication in places where the use of recreational cannabis is not permitted.

The *Cannabis Act, 2017* prohibits the use of any form of recreational cannabis in public places, workplaces, motor vehicles and boats and permits medical cannabis users to use cannabis for medical purposes in any place where cannabis use is otherwise prohibited, subject to any restrictions set out in the regulations or in the *Smoke-Free Ontario Act, 2017*. The *Smoke-Free Ontario Act, 2017* places restrictions on where medical cannabis can be smoked or vaped, but it does not restrict the consumption of other forms of medical cannabis.

The Ministry of the Attorney General is proposing to bring forward a regulation that would prohibit medical cannabis users 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.

In order to ensure that passengers who are authorized medical cannabis users are able to access their medical cannabis, the Ministry of the Attorney General proposes to exempt medical cannabis users from the prohibition on transporting cannabis as long as the following conditions are met:

- The cannabis was obtained in accordance with applicable federal law respecting medical cannabis

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<sup>1</sup> Legislative amendments would be required to implement this proposal.

- The person transporting the cannabis is a medical user
- The cannabis is not made readily available to the driver or operator of the vehicle or boat

## Places of Use for Recreational Cannabis

### *Clarification of Places of Use Rules*

The Ministry of the Attorney General is also proposing that certain places where recreational cannabis **cannot** be used be prescribed 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.

### *Hotel, Motel and Inn Rooms*

The Ministry of the Attorney General is proposing a limited exemption to permit the use of recreational cannabis in hotel, motel and inn rooms. Under the proposed regulation, 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 to align with the *Smoke-Free Ontario Act, 2017*.

### *Vehicles and Boats as Private Residences*

The Ministry of the Attorney General is proposing a limited exemption to permit the use of recreational cannabis in vehicles and boats when they are in use as temporary or

permanent living places. This is consistent with the rules respecting alcohol consumption under the *Liquor Licence Act* and regulations made under that Act.

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.

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.

### *Workplaces in Private Residences*

The Ministry of the Attorney General is proposing 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*.

The following residences that also serve as workplaces would be subject to specific conditions on where and how recreational cannabis can be consumed:

- 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 medical cannabis is permitted:

- The room has been designated as a controlled area for smoking or the use of electronic cigarettes, or both.

- A resident who desires to use the room must be able, in the opinion of the proprietor or employer, to do so safely without assistance from an employee. An employee who does not desire to enter the room shall not be required to do so.
- Use of the room is limited to residents of the residence.
- The room is an enclosed space fitted with proper ventilation and is identified as a controlled area by means of signs.

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

As well, the smoking and vaping of recreational cannabis would be prohibited in places where home child care is provided within the meaning of the *Child Care and Early Years Act, 2014*, whether or not children are present. This is consistent with the rules for smoking, e-cigarettes and medical cannabis in home child care settings set out in the *Smoke-Free Ontario Act, 2017*. 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.

#### *Post-Legalization Considerations: Multi-Unit Dwellings and Consumption Lounges/Venues*

Ontario's precautionary approach to the consumption of recreational cannabis under the *Cannabis Act, 2017* is intended to protect the health and well-being of all Ontarians, especially children, youth and other vulnerable populations, by limiting exposure to second-hand smoke and vapour and is consistent with the Ontario government's safe and sensible approach to cannabis legalization.

At the same time, Ontario has committed to closely monitoring the public health and safety outcomes of cannabis legalization to inform future consideration of potential adjustments to the provincial framework, if warranted. This includes proactively exploring the feasibility and implications of potential approaches that would provide more options for where people can consume cannabis without significantly increasing exposure to second-hand smoke and vapour. Currently, the Ministry is considering the following approaches:

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

These approaches are under consideration and will require additional consultation. Feedback on this proposal will be used to inform future policy development and consultations.

**Next Steps:**

This summary report will be posted for public and stakeholder review and feedback from January 18 to March 5, 2018. In preparing the proposed draft regulations, the government will consider the feedback received through the Regulatory Registry.

If the final proposed regulations are approved, it is expected that they would take effect in July 2018 to align with the federal government's anticipated timeline for legalization.

We will continue working with municipalities, health and safety organizations, law enforcement, Indigenous communities and stakeholders as we progress towards legalization, which will ensure a safe and sensible approach to this substance.