

**Ministry of the
Attorney General**

Office of the
Deputy Attorney General

McMurtry-Scott Building
720 Bay Street
11th Floor
Toronto ON M7A 2S9

Tel: 416-326-2640

**Ministère du
Procureur général**

Cabinet du
Sous-procureur général

Édifice McMurtry-Scott
720, rue Bay
11^e étage
Toronto ON M7A 2S9

Tél.: 416-326-2640



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Ms. Shaila Anwar
Committee Clerk
Standing Senate Committee on Social Affairs, Science and Technology
Senate of Canada
Ottawa, ON K1A 0A4
Email: shaila.anwar@sen.parl.gc.ca

Dear Ms. Anwar:

On behalf of the Government of Ontario, I would like to thank you for your invitation to appear before the Standing Senate Committee on Social Affairs, Science and Technology in respect of its study of Bill C-45, the Cannabis Act.

The proposed federal bill leaves many critical aspects of the implementation of the legalization of recreational cannabis to provinces and territories. In order to ensure that the interests of all Ontarians are met, Ontario supports the ability of provinces and territories to establish their own retail and distribution systems and to set additional restrictions in areas such as minimum age and possession of cannabis. In lieu of appearing during the committee's public hearings on the bill, the Government of Ontario would like to take this opportunity to confirm that Ontario will be prepared for the federal legalization of recreational cannabis and to outline the steps that the province has taken to implement an effective, safe and responsible approach to federal cannabis legalization.

Ontario's Approach to Federal Cannabis Legalization

Ontario's view is that legalizing and regulating recreational cannabis must prioritize the protection of youth, promote public health and community and road safety, and eliminate the illegal market. Based on these priorities and 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 approach was informed by public consultation, the province's experience managing tobacco and alcohol, advice from public safety and health partners, and lessons learned from jurisdictions that have recently legalized recreational cannabis.

The Government of Ontario has been working towards federally established timelines and remains on track for the legalization of cannabis.

Bill 174, Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017

As part of this plan, Ontario passed comprehensive legislation on December 12, 2017 to ensure its readiness for federal cannabis legalization, which includes:

- The *Cannabis Act, 2017* which prohibits the sale of recreational cannabis to anyone under the age of 19; the use of recreational cannabis in all public places, workplaces and motor vehicles; and, youth (under 19) from possessing, cultivating, consuming and sharing any amount of recreational cannabis. The *Cannabis Act, 2017* also directly addresses the illicit market, including illegal storefront selling.
- The *Ontario Cannabis Retail Corporation Act, 2017* established a new Crown corporation, the Ontario Cannabis Retail Corporation, which will operate as the Ontario Cannabis Store. In Ontario, recreational cannabis will be sold exclusively by the Ontario Cannabis Store through a network of dedicated storefronts and an online channel. Ontario's approach to retail and distribution is designed to promote public safety and social responsibility, while responding to consumers and eliminating the illegal market.
- The *Smoke-Free Ontario Act, 2017* includes rules regarding the smoking and vaping of medical cannabis.
- Amendments to the *Highway Traffic Act* which establish tougher drug-impaired driving laws, including a zero tolerance approach for young, novice and commercial drivers.

Engaging with Indigenous Communities and Organizations

Ontario has and will continue to engage with Indigenous people, communities and organizations to discuss interests, perspectives and concerns, and consider opportunities for collaboration. Ontario welcomes federal participation in meaningfully engaging with Indigenous communities and organizations. Ontario has supported and participated at cannabis-specific forums hosted by the Association of Iroquois and Allied Indians, the Anishinabek Nation through its secretariat, the Union of Ontario Indians, and Nishnawbe Aski Nation, and has been in communication with the Political Confederacy and urban, Métis and Inuit organizations to continue the dialogue.

The province recognizes that some First Nations communities may wish to develop specific approaches to cannabis. Reflective of Ontario's government-to-government relationship with First Nations, 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*.

In addition, the *Ontario Cannabis Retail Corporation Act, 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.

Provincial Implementation Activities

Ontario's cannabis legislation has been accompanied by a number of additional critical initiatives, such as:

- Developing and implementing supporting regulatory proposals, following appropriate public, stakeholder and partner consultation.
- Providing \$40 million in funding over two years to help municipalities with incremental implementation costs related to the legalization of cannabis – municipalities are key partners in our shared goals to protect youth and eliminate the illicit market and this approach will provide municipalities with the certainty of advance funding to address costs.
- Implementing an integrated prevention, harm reduction, and public education approach, including, but not limited to, providing public health units with support and resources to help address local needs related to cannabis legalization, preparing the education sector for legalization, and the development of resources to help workplaces manage occupational health and safety issues related to impairment due to substance use.
- Increasing capacity of local law enforcement, including the Ontario Provincial Police, by funding standard field sobriety test training for police officers to help detect impaired driving.
- Creating a specialized legal team to support drug-impaired driving prosecutions and increasing capacity at the province's Centre of Forensic Sciences to support toxicological testing and expert testimony.
- Developing programming to divert youth involved in minor cannabis offences, such as possession of small amounts of cannabis, away from the justice system. In accordance with our key priority of youth protection, *the Cannabis Act, 2017* allows for the confiscation of small amounts of cannabis from young people, but also provides police, prosecutors and courts with the opportunity to refer young people to approved prevention and education programs.
- Creating a Cannabis Intelligence Coordination Centre to shut down illegal storefronts and help fight the unsafe and illegal supply of cannabis products.
- Raising awareness of the new provincial rules that will take effect when cannabis is legalized federally.
- Developing a cannabis sector strategic approach to support responsible economic development of the cannabis sector.

Next Steps

Ontario will continue working with municipalities, health and safety organizations, law enforcement, Indigenous communities and organizations and other stakeholders as we progress towards legalization, which will ensure a safe and sensible approach to this substance. The initiatives described above will be complemented by further provincial activities, as required and appropriate, to be undertaken in the lead up to federal legalization.

Conclusion

As a result of the constructive intergovernmental dialogue on key issues pertaining to the legalization of cannabis, and the passage of comprehensive legislation, Ontario will be prepared for the federal legalization of recreational cannabis.

Ontario remains committed to continued collaboration with our federal, provincial and territorial partners to support a successful transition from criminal prohibition to an integrated federal-provincial regulatory framework.

Thank you for the opportunity to provide our perspective and input on this important initiative.

Yours truly,



Paul Boniferra
Deputy Attorney General

c: Dr. Bob Bell, Deputy Minister, Ministry of Health and Long-Term Care
Lynn Betzner, Deputy Minister, Communications and Intergovernmental Affairs
and Associate Secretary of the Cabinet, Cabinet Office