
Subject: Cannabis Legalization

Report to: Public Health and Social Services Committee

Report date: Tuesday, January 8, 2019

Recommendations

That staff **BE DIRECTED** to report back on Niagara Region Public Health & Emergency Services' (NRPH & ES) response to cannabis legalization in 2019 Q4.

Key Facts

- Cannabis is now available for purchase and consumption to anyone 19 or older, online from the Ontario Cannabis Store (OCS). On April 1, 2019, Ontarians will be able to purchase cannabis from physical stores, licenced by the Alcohol and Gaming Commission of Ontario.
- *Smoke-Free Ontario Act, 2017 (SFOA)* now includes language around cannabis and vaping products in addition to tobacco. Public Health Units will continue to enforce SFOA with the added responsibility of education and laying charges for those using cannabis and vapour products in prohibited places.
- NRPH & ES continues to work with our partners, leading efforts in surveillance, education, and prevention in order to reduce the potential harms related to cannabis use.

Financial Considerations

The province has announced that it will provide \$40 million over two years to help municipalities with costs related to the legalization of cannabis. Funding will be distributed to municipalities on a per household basis, adjusted to ensure that each municipal government receives no less than \$10,000 (e.g., if a municipality opts out). If Ontario's portion of the federal excise taxes exceed \$100 million in the first two years, the province will provide 50% of the surplus only to municipalities that decide to allow cannabis retail outlets. In areas such as Niagara where there are two-tiers, the funding will be split 50/50. The final amount will depend on how many municipalities opt out of allowing retail stores or remain in by default.

NRPH & ES has requested one-time funding from MOHLTC to support increased staff time related to cannabis enforcement and prevention work. At the time of writing this report there has been no response to the funding request.

Analysis

Legalization

On April 13, 2017 the Federal Cannabis Act was introduced. The Act regulates licensed producers, types of legal products, and potency of cannabis in each product. It also establishes a minimum age for purchase and consumption, maximum amounts for possession and rules for labelling, advertising and promotion. Under the law, provinces were able to decide on a model for retail sale and distribution, regulating public consumption (where cannabis can be used, or “places of use”) and enforcement.

On October 17, 2018, the day cannabis became legal, the Province passed the Cannabis Statute Law Amendment Act, 2018. This new legislation allows for private retail storefront sales in Ontario licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). It also amended prior legislation so that Public Health Units are now responsible for enforcement of acceptable places of use of cannabis.

The first retail stores are to be operational on April 1, 2019. Businesses could apply for a license starting December 17, 2018. Municipalities must declare by January 22, 2019 whether they will opt-out of private retail storefront sales in their communities. To opt-out, municipalities must provide a notice of resolution to the Registrar no later than January 22, 2019. Opting out is a one-time option for municipalities, however, those that choose to opt out may opt-in at a later date. There was recently notice from the province that the first round of licensing will be limited to 25 licences, awarded by lottery, due to low availability of legal product.

Ontario Regulation 468/18 made under the *Cannabis Licence Act, 2018* governs private cannabis retail in Ontario and requires that

- Stores may not be located within 150 metres of schools;
- Persons under 19 are not allowed in stores, and persons who appear to be under 25 must show ID to enter the store;
- Stores are only allowed to sell cannabis, cannabis accessories and shopping bags;
- Stores must be enclosed by walls separating it from any other commercial establishment.

Finally, edibles are not currently available for legal purchase in Canada. We anticipate they will be introduced by the federal government in the fall of 2019.

Data and Prevalence of Use

In Niagara, 12.2% of individuals reported using marijuana at least once in the last 12 months (CCHS, 2015-16) The Ontario Student Drug Use and Health survey from 2015 shows that 35% of secondary students in Niagara had used cannabis in the last 12 months. We look forward to newer data to see the impact of legalization on prevalence of use.

The high prevalence of use is concerning given there are many short and long-term health impacts linked to cannabis use including poisoning (young children), mental health impacts, and addiction. These harms are worse for youth and those who are frequent and regular cannabis users.

Every four years NRPH & ES purchases an over sample of the Ontario Student Drug Use and Health Survey (OSDUHS). This survey gives Niagara-specific data on youth health behaviours including cannabis use. This information assists NRPH & ES and our partners in developing youth focused programs. We will have access to new data in 2020.

In addition, the Early Intervention in Psychosis (EPI) service, a Niagara Region Mental Health program, has added a module in their Electronic Medical Records to track changes in demand for EPI service, and substance of choice for clients entering the service. This will provide more accurate data about the youth seeking this service.

Community Impact

In the 12 months prior to legalization, NRPH & ES received more than 40 calls from residents on the issue of cannabis. These calls were complaints around odour from cannabis growing operations and second-hand smoke in a multi-unit dwelling, as well as questions about the law.

NRPH & ES is not responsible for regulating cannabis production operations; this is Health Canada's responsibility. Health Canada requires operations to be equipped with an air filtration system to prevent the escape of odours. Residents with concerns have been asked to contact Health Canada. NRPH & ES has provided residents with the email and phone number to the division of Health Canada that inspect cannabis production operations. An evidence brief from Public Health Ontario regarding this issue found that there were no studies associated with exposure to cannabis odours identified in either the scientific or grey literature. Additional research is needed around the impact of cannabis odour on the health and well-being of Canadians.

One in three Ontarians resides in an apartment, condo or co-op where they may be involuntarily exposed to smoke through shared walls, hallways or ventilation systems. NRPH & ES provides consultation and support to landlords, tenants and housing providers interested in developing a smoke-free policy.

Niagara Region Public Health and Emergency Services' Areas of Work

NRPH & ES has been engaged in various initiatives that fall under the pillars of a comprehensive drug strategy: prevention, harm reduction, treatment and enforcement. These activities include policy work, working with partners, training staff, research and data, and external campaigns and presentations. Staff from all divisions are involved, as there are many complexities in this work reaching various audiences.

Partnerships

- In order to ensure a common understanding of roles and create a forum for sharing and learning, NRPH & ES has met regularly with enforcement agencies across the region (including Niagara Region Police Services, local area municipality by-law departments, Niagara Region prosecutors, Ministry of Labour, Ministry of Environment and the Ontario Ministry of Agriculture, Food and Rural Affairs). Meetings will continue into 2019 as long as they serve a need for agencies involved.
- NRPH & ES was able to consult with the planners from the Local Area Municipalities around set-backs for cannabis retail locations.
- NRPH & ES hosted a Youth Engagement Community of Practice education event around the latest research in cannabis messaging for a youth audience, generating learnings and confidence for those working directly with young people.
- Changes in *SFOA* impact where students can smoke and vape in proximity to schools. Tobacco control officers, school health nurses and school resource officers have visited all secondary schools to review the changes to *SFOA* and the new distances with school administration.
- The Workplace Health program has connected workplaces to cannabis resources and policy support through a policy-writing workshop. Over 50 employers learned about substance use and workplace policy.
- NRPH & ES is involved with a number of other Public Health Units in a Locally Driven Collaborative Project to study effective health promotion interventions around cannabis for the young adult population. The project is awaiting funding approval.

Internal Staff Training

- An e-module has been designed, created, and launched for NRPH & ES staff to gain a better understanding of cannabis and legalization.
- NRPH & ES has put a system in place to track all calls related to cannabis in order to better inform our programs of the needs and concerns of the community, this tracking has been implemented with a call directory to ensure residents are connected to the appropriate staff or resource within the department.

External Campaigns and Presentations

- Good to Know Niagara campaign is getting cannabis information to the community. Messages have been launched on social media, in bus shelters, posters, and in print media.
 - **Let's be Clear** campaign targets youth, encouraging them to wait to use cannabis and instead focus on the life goals that they may have
 - **Cannabis and Alcohol Don't Mix** targets young adults who may wish to use both cannabis and alcohol at the same time, increasing the potential harms
 - **Store it Right** reminds residents that choose to use cannabis to lock it up so that children and pets cannot gain access
 - **Legal Does Not Mean Safe** outlines potential health harms related to cannabis use
 - **Them Saying No** emphasizes the importance in talking with their kids about cannabis
- REACT (NRPH & ES youth staff) is partnering with CAA on a health promotion campaign highlighting dangers associated with cannabis impaired driving. The campaign targets teens through street marketing and social media.
- Several parent info evenings and community presentations have been hosted answering residents' questions about cannabis legislation and potential risks.
- Many resources have been created internally or by other agencies that NRPH & ES has been able to distribute at events and to community partners for unique audiences.

Smoke Free Policy

In Niagara, smoking tobacco on all municipal and regional properties is restricted under [Regional By-law 112-2013](#). This By-law covers more outdoor spaces than the new SFOA. This means there are places in Niagara where individuals are permitted to use cannabis and vapour products, but could be fined for smoking tobacco. NRPH & ES is currently working on next steps to support aligning the by-law with SFOA.

Relationship to Council Strategic Priorities

NRPH & ES coordinates with Council's Strategic Priorities. Our comprehensive approach to cannabis supports DOING BUSINESS DIFFERENTLY and ORGANIZATIONAL EXCELLENCE.

Alternatives Reviewed

A comprehensive approach to substances is the best, evidence based approach. In addition, this is a newly legalized substance, which is a unique and very rare situation. The alternative would be to do less of this work, but it would not be recommended.

Other Pertinent Reports

- [PHD 15-2018 Cannabis Legalization](#)
- [PHD 07-2018 Cannabis Legalization](#)
- [PHD 04-2017 Ontario Student Drug Use and Health Survey Results](#)

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