



INFORMATION REPORT

TO:	Mayor and Members Board of Health
COMMITTEE DATE:	January 14, 2019
SUBJECT/REPORT NO:	Smoke-Free Ontario Act 2017 - Vapour Products and Cannabis (BOH19002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heidi McGuire (905) 546-2424, Ext. 6170
SUBMITTED BY & SIGNATURE:	Kevin McDonald Director, Healthy Environments Division Public Health Services

Council Direction:

Not applicable.

Information:

On October 17, 2018, Bill 36, the Cannabis Statute Law Amendment Act, 2018 was passed and received Royal Assent. Bill 36 amended the Smoke-Free Ontario Act, 2017 to prohibit the smoking of cannabis in the same places where smoking tobacco and the use of electronic cigarettes (vaping) is prohibited. Amendments also create rules for displaying and promoting vapour products. Related amendments to Ontario Regulation 268/18 under the Smoke-Free Ontario Act, 2017 were also finalized by the government.

Display and Promotion of Tobacco and Electronic Cigarettes

The following rules came into effect for the display and promotion of vapour products at places where they are sold or offered for sale:

- Specialty vape stores can only display and promote vapour products within the retail establishment, and the retail establishment must comply with several conditions (e.g., no minors allowed entry, establishment must be a building or located inside a building, customers can only enter establishment from the outdoors, and the establishment cannot be a through fare);

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- Retailers that are not specialty vape stores (e.g., convenience stores) cannot display vapour products, and can only promote vapour products, if the promotion complies with federal law; and,
- Wholesalers, distributors and manufacturers can display and promote vapour products, as long as the display or promotion complies with federal law.

Rules for sale and supply, display and promotion of tobacco products under the Smoke-Free Ontario Act remain unchanged, with the exception of a prohibition on display of tobacco product accessories associated with a brand of tobacco.

Places of Use

The Smoke-Free Ontario Act, 2017 prohibits smoking of cannabis and tobacco, as well as use of electronic cigarettes (containing any substance) in the following locations:

- Indoor common areas in condos, apartment buildings and university/college residences;
- Enclosed public places and enclosed work places;
- Non-designated guest rooms in hotels, motels and inns;
- At school, on school grounds, and all public areas within 20m of these grounds;
- On children's playgrounds and public areas within 20m of playgrounds;
- In child care centres, or where an early years program is provided;
- In places where home child care is provided;
- Within 9m from the entrance or exit of hospitals (public/private), psychiatric facilities, long-term care homes, independent health facilities;
- On outdoor grounds of hospitals (public/private) and psychiatric facilities;
- In non-controlled areas in long-term care homes, certain retirement homes, provincially-funded supportive housing, designated psychiatric or veterans' facilities, and residential hospices;
- Publicly-owned sports fields, nearby spectator areas and public areas within 20m of these areas;
- In a vehicle or boat that is being driven or is at risk of being put into motion;
- In restaurants and on bar patios and public areas within 9m of a patio;
- On outdoor grounds of specified Ontario government office buildings;
- In reserved seating areas at outdoor sports and entertainment locations;
- On grounds of community recreational facilities, and public areas within 20m of those grounds; and,
- In sheltered outdoor areas with a roof and more than two walls which the public or employees frequent, or are invited to (e.g. a bus shelter).

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Limited exemptions for smoking tobacco and cannabis and vaping include

- Controlled areas in long-term care homes, certain retirement homes, provincially-funded supportive housing, designated psychiatric facilities and designated veterans' facilities;
- Designated guest rooms in hotels, motels and inns;
- Scientific research and testing facilities;
- Controlled areas in residential hospices (note: exemption does not include tobacco smoking); and,
- Stage productions (note: exemption does not include tobacco or cannabis smoking).

Public Health Responsibilities and Administration

Changes to the Smoke-Free Ontario Act, 2017 incur the following responsibilities for Public Health Services:

- Enforcement of legislative changes by Healthy and Safe Communities Tobacco Enforcement Officers;
- Registration and approval for retailers who wish to be designated as Tobacconists or Specialty Vape Shops;
- Education of stakeholders and public to ensure awareness and compliance with new legislation; and,
- Distribution of required signage to stakeholders.

Appendices and Schedules Attached

Appendix A to Report BOH19002 – Smoke Free Ontario Act 2017 List of Cannabis Awareness and Public Education Resources

References

1. Ontario Government. (October 17, 2018). Smoke-Free Ontario Act. Retrieved from <https://www.ontario.ca/laws/statute/17s26>.
2. Ontario Government. (October 17, 2018). Reg.268/18: General. Retrieved from <https://www.ontario.ca/laws/regulation/180268>.