



The Corporation of the Town of LaSalle

Date:	December 18, 2019	Report No:	CAO-01-2019
Directed To:	Members of Council	Attachments:	A. Minister Letter B. Deputy Minister Letter C. Cannabis Licence Act, 2018 D. GECDSD Letter E. WECHU Resolution
Department:	Office of the Chief Administrative Officer		
Prepared By:	Joe Milicia, CPA ,CA Chief Administrative Officer	Policy References:	None
Subject:	Retail Cannabis Outlets		

Recommendation:

- **That** CAO-01-2019 regarding the legalization of cannabis use and retail sales, **be received**;
- **And that** The Corporation of the Town of LaSalle **opt-out** of hosting retail cannabis sales;
- **And further that** the Clerk **be authorized** to send a letter to the Alcohol and Gaming Commission of Ontario advising that the Council of the Town of LaSalle at their meeting held on Tuesday, January 8, 2019 passed a resolution to opt-out of cannabis sales.

Report:

Legislative Summary

On December 12, 2017, the previous Ontario government passed Bill 174, the Cannabis, Smoke Free Ontario and Road Safety Statute Law Amendment Act. The amendments established a legal framework for the sale, distribution and consumption of recreational cannabis.

On August 13, 2018, the newly elected government of Ontario publicly announced that they would be making changes to the legal cannabis framework established by the previous Provincial government.

On October 17, 2018, it became legal in Canada to possess or use cannabis subject to certain limits. The federal government amended the Criminal Code to enable Canadians to buy, sell and consume cannabis and cannabis products. Under federal legislation, Health Canada administers the licensing regime for recreational cannabis growers. These licensed producers serve as the sole source of legal recreational cannabis in Canada. The federal framework includes rules regulating grow operations as well as the advertisement and promotion of cannabis, which is strictly controlled to protect youth.

Under federal legislation, provinces are responsible for establishing wholesale and retail distribution systems. Jurisdiction over rules regarding where individuals can consume cannabis also resides with the provinces.

Provinces and territories have the ability to set their own rules for cannabis, including the legal minimum age, how recreational cannabis can be sold, where cannabis can be used, and how much cannabis can be possessed and by whom.

The Ontario *Cannabis Act, 2017* aligns with the federal *Cannabis Act* and also came into effect October 17, 2018. In brief summary it establishes rules with respect to the sale, distribution, purchase, possession, transportation, cultivation and consumption of cannabis. The key elements include:

- Prohibiting the sale of recreational cannabis to anyone under the age of 19
- Prohibiting youth (under 19) from possessing, cultivating, consuming and sharing cannabis
- Addressing illegal selling, including storefront dispensaries.

The *Cannabis Licence Act, 2018*, creates a regulated licensing model and regulatory framework for private retail of cannabis in Ontario and enables the implementation of a tightly regulated licensing and regulatory framework for private storefront cannabis retailing in Ontario and establishes the Alcohol and Gaming Commission of Ontario (AGCO) as the provincial regulator for cannabis storefronts.

Private retailers must be licensed by the AGCO. The AGCO is to begin accepting applications in December 2018 and permitting private retailing of cannabis by April 1, 2019.

The Province has committed to allowing private recreational cannabis retail stores throughout Ontario starting April 1, 2019. As recreational cannabis is a legal, controlled and regulated product, cannabis stores will be considered like any other type of retail, and as such no zoning changes are needed.

Municipalities will not be able to designate cannabis retail as a separate land use from retail generally or create a cannabis retail licensing regime within their jurisdiction.

To that end, it has established a regulatory framework, Ontario Regulation 468/18 s. 22 (O. Reg. 468.18) under the *Cannabis Licensing Act, 2018* that provides further clarity on how private businesses will be licensed and regulated by the AGCO

Retail Cannabis

Opting-out of Retail Cannabis Stores

Municipalities may opt-out of having cannabis retail stores within their jurisdiction. To do so, the *Cannabis Licence Act, 2018* requires them to pass a resolution to that effect by January 22, 2019.

The manner in which municipalities must notify the AGCO of their decision to opt-out is for the municipal Clerk, Chief Administrative Officer or Mayor to send the AGCO Registrar written notification that the municipality has passed a resolution prohibiting cannabis retail stores and send written notification to the AGCO no later than January 22, 2019.

A municipality that decides to prohibit cannabis retail stores may later reverse its decision; however, under the *Cannabis Licence Act, 2018*, a decision by a municipality to allow cannabis retail stores is final and may not be subsequently reversed.

If the AGCO has not received written notification from a municipality within the process described above, by January 22, 2019, then, by default, private cannabis retail stores will be allowed within this jurisdiction beginning April 1, 2019, providing all other eligibility criteria have been met.

Opting-in to Allow Retail Cannabis Stores

Any time before January 22, 2019, a municipality may decide it will allow cannabis retail stores within its jurisdiction. Those municipalities are encouraged to notify the AGCO as soon as possible to allow the AGCO to process retail store applications, complete the public notice process and provide more time for stores to set up their operations. Early notification to the AGCO will not change the date that licensed retail stores may open, which remains April 1, 2019 at the earliest.

Financial Implications

The Minister of Finance's letter dated November 26, 2018, to municipalities announced funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund (Fund). The Fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization. A copy has been attached as an appendix however it should be noted that any funding received must be used by municipalities for implementation costs directly related to the legalization of cannabis

Comments and Recommendation Conclusion

Many municipal programs may be directly impacted by the provincial legislative framework governing the sale and use of cannabis including, but not limited to: building inspections, bylaw enforcement, public use in public places, fire services, policing, property standards (home cultivation), employee impairment and accommodation (for medicinal use of cannabis) and zoning.

Little direction and limited time has been given to municipalities and there are no best practices to guide municipalities. Regulating an entirely new sector of the economy is a challenging endeavor, taking the right amount of time to study implementation and undertake the required local engagement is recommended to avoid any potentially negative land use and community impact outcomes.

As a result, given the lack of time, limited information, and uncertainty surrounding the long term impacts Administration is recommending a wait and watch approach.

Yours truly,



Joe Milicia, CPA, CA
Chief Administrative Officer

Reviewed by:						
CAO	Finance	Council Services	Public Works	Development & Strategic Initiatives	Culture & Recreation	Fire Services



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November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
 - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
 - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

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- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

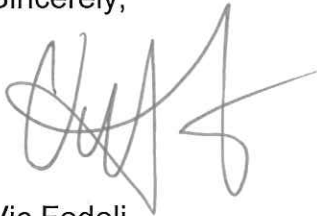
To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli
Minister of Finance

c: The Honourable Caroline Mulroney, Attorney General
The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Paul Boniferno, Deputy Attorney General
Greg Orencsak, Deputy Minister of Finance
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing
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November 26, 2018

Dear Treasurer:

Re: Ontario Cannabis Legalization Implementation Fund

In his November 20, 2018 letter to Heads of Council (elect), the Minister of Finance announced funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund ("Fund"). This Fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization.

This letter sets out the terms and conditions of receiving money under the Fund.

1. First Payment of Funds

For the first payment in January, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- 2018 MPAC Household numbers
- 50/50 split in household numbers between lower- and upper-tier municipalities
- Adjustments to provide at least \$5,000 to each municipality

Municipalities will receive a first payment in the amount set out in the attached allocation notice.

2. Second Payment of Funds

For the second payment, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- If a municipality has not opted-out of hosting private retail stores in accordance with *Cannabis Licence Act*, it will receive funding based on the 2018 MPAC household numbers, adjusted so that at least \$5,000 is provided to each municipality.

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- If a municipality has opted-out of hosting private retail stores in accordance with the *Cannabis Licence Act*, it will receive a maximum amount of \$5,000. Please note that if a municipality opts-out by January 22, 2019, and opts back in at a later date, that municipality will not be eligible for additional funding.

Municipalities will receive a second payment based on the above criteria. The Province will send an allocation notice to municipalities setting out the amount of the second payment by March 2019.

The amount of the Fund allocated to each municipality in Ontario will be posted at www.fin.gov.on.ca/en/budget/oclif/ in December.

3. Use of Funds

Municipalities must use the money they receive from the Fund solely for the purpose of paying for implementation costs directly related to the legalization of cannabis.

Examples of permitted costs include:

- Increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation)
- Increased response to public inquiries (e.g., 311 calls, correspondence)
- Increased paramedic services
- Increased fire services
- By-law / policy development (e.g., police, public health, workplace safety policy)

Municipalities must not use the money they receive from the Fund to pay for:

- Costs that have been, or will be, funded or reimbursed by any other government body, or third party
- Costs not related to cannabis legalization

4. Transfer of Funds Within Upper-Tier and Lower-Tier Municipalities

Upper-tier municipalities and lower-tier municipalities may transfer any money that they receive from the Fund between each other. Despite any transfer of money that may occur under this section, municipalities remain responsible for ensuring compliance with the terms and conditions of this letter with respect to the transferred money.

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5. Funding Assessment

To assess the impact of this funding, the Province has requested that the Association of Municipalities of Ontario and the City of Toronto work with the Ministry of Finance to establish a process by which a sample group of municipalities will provide information on use of funds and impact of funding. More information will be available as this process is developed.

If municipalities are asked to provide information on the use of the money received under the Fund and impact of such funding, they must provide the information requested, in a timely manner. As such, municipalities must keep and maintain all records relating to money received from the Fund.

In addition, the Province or any authorized representative or identified independent auditor, may request to review the records or conduct an audit in respect of the expenditure of money a municipality has received from the Fund.

If you have any further questions, please contact:

Cannabis Retail Implementation Project
Ministry of Finance
Email: OCLIF@ontario.ca

Yours sincerely,



Greg Orensak
Deputy Minister

Attachment

- c. Paul Boniferno, Deputy Attorney General
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project
Allan Doheny, Assistant Deputy Minister, Provincial-Local Finance Division
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General

Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning
Policy Division, Ministry of Municipal Affairs and Housing
Pat Vanini, Executive Director, Association of Municipalities of Ontario


[Français](#)

ONTARIO REGULATION 468/18

made under the

CANNABIS LICENCE ACT, 2018

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GENERAL

CONTENTS [-]

INTERPRETATION

1. Interpretation
2. Affiliates

GENERAL INELIGIBILITY

3. Ineligibility, prescribed offences
4. Ineligibility, contravention of prescribed provisions
5. Prescribed offences under Controlled Drugs and Substances Act (Canada)
6. Retail operator licence, compliance with tax laws
7. Retail operator licence, corporation owned by licensed producer
8. Ineligibility, other circumstances

RETAIL STORE AUTHORIZATIONS

9. Cannabis retail store requirements
10. Public interest
11. No issuance, proximity to schools
12. Maximum permissible authorizations
13. Display of authorization
14. Distribution services

REVOCATIONS AND SUSPENSIONS

15. Revocation without proposal, prescribed contraventions
16. Public notice of suspension of authorization

OPERATION OF CANNABIS RETAIL STORES

17. Permissible hours of operation
18. Additional items that may be sold
19. Cannabis retail seal
20. Preventing entry of individuals under 19 years of age
21. Training requirements

MATTERS RESPECTING MUNICIPALITIES

22. Notice of resolution

MATTERS RESPECTING RESERVES

23. Notice of resolution

COMMENCEMENT

<u>24.</u>	Commencement
<u>Schedule 1</u>	Cannabis retail seal

INTERPRETATION

Interpretation

1. In this Regulation,

“licensed producer” means a person who is authorized by a licence issued under the *Cannabis Act* (Canada) to produce cannabis for commercial purposes.

Affiliates

2. (1) In paragraph 2 of subsection 4 (4) of the Act and this Regulation, an affiliate of a person is,

- (a) a corporation that is affiliated with the person for the purposes of the *Business Corporations Act*, as set out in subsection 1 (4) of that Act;
- (b) a corporation that is affiliated with another corporation in the manner referred to in clause (a), if that other corporation is at the same time affiliated with the person in that manner;
- (c) a corporation of which the person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than 9.9 per cent of the voting rights under all circumstances or by reason of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such shares or such convertible securities;
- (d) a partner in the same partnership as the person;
- (e) a trust in which the person has a substantial beneficial interest, whether vested or contingent, or with respect to which the person acts as a trustee;
- (f) a member of the same joint venture, unincorporated association, unincorporated syndicate or unincorporated organization as the person; or
- (g) a person who is deemed under subsection (2) or (3) to be an affiliate of the person or an affiliate of an affiliate of the person.

(2) A person is deemed to be an affiliate of another person if the person is a corporation and the other person, or a group of persons or entities acting jointly or in concert with the other person, owns a beneficial interest in shares of the corporation,

- (a) carrying at least 50 per cent of the votes for the election of directors of the corporation and the votes carried by the shares are sufficient, if exercised, to elect a director of the corporation; or
- (b) having a fair market value, including a premium for control if applicable, of at least 50 per cent of the fair market value of all the issued and outstanding shares of the corporation.

(3) A person is deemed to be an affiliate of another person if the other person, or a group of persons or entities acting jointly or in concert with the other person, has any direct or indirect influence that, if exercised, would result in control in fact of that person.

(4) Subsections (2) and (3) apply with respect to a group of persons or entities acting jointly or in concert with another person whether or not they are acting pursuant to an agreement or arrangement.

GENERAL INELIGIBILITY

Ineligibility, prescribed offences

3. The following offences are prescribed for the purposes of paragraph 3 of subsection 3 (4) of the Act, paragraph 2 of subsection 4 (6) of the Act and paragraph 2 of subsection 5 (4) of the Act:

- 1. An offence under the Act.
- 2. An offence under section 6, 7, 8, 8.1, 13 or 15 of the *Cannabis Control Act, 2017* or, before the day on which section 1 of Schedule 1 to the *Cannabis Statute Law Amendment Act, 2018* came into force, the *Cannabis Act, 2017*.
- 3. An offence under Division 1 of Part 1 of the *Cannabis Act* (Canada).

Ineligibility, contravention of prescribed provisions

4. The following provisions are prescribed for the purposes of paragraph 4 of subsection 3 (4) of the Act, paragraph 3 of subsection 4 (6) of the Act and paragraph 3 of subsection 5 (4) of the Act:

- 1. Sections 6, 7, 8, 8.1, 13 and 15 of the *Cannabis Control Act, 2017* or, before the day on which section 1 of Schedule 1 to the *Cannabis Statute Law Amendment Act, 2018* came into force, the *Cannabis Act, 2017*.
- 2. Sections 8, 9, 10, 11, 12, 13 and 14 of the *Cannabis Act* (Canada).

Prescribed offences under *Controlled Drugs and Substances Act* (Canada)

5. Sections 4, 5, 7 and 7.1 of the *Controlled Drugs and Substances Act* (Canada) are prescribed for the purposes of subsections 3 (6) and 5 (5) of the Act.

Retail operator licence, compliance with tax laws

6. A person is not eligible to be issued a retail operator licence if any of the following circumstances apply, as confirmed by the Ministry of Finance for the purposes of the application for the licence:

1. The person is in default of filing a return under a tax statute administered and enforced by the government of Ontario, or of paying any tax, penalty or interest assessed under any such statute for which payment arrangements have not been made.
2. If the person has a business number with the Canada Revenue Agency, the person is in default of filing a return under the *Taxation Act, 2007*, the *Income Tax Act* (Canada), Part IX of the *Excise Tax Act* (Canada) or an Act of another province or territory that imposes a tax on corporations and is administered and enforced by the Canada Revenue Agency.

Retail operator licence, corporation owned by licensed producer

7. A corporation is not eligible to be issued a retail operator licence if more than 9.9 per cent of the corporation is owned or controlled, directly or indirectly, by one or more licensed producers or their affiliates.

Ineligibility, other circumstances

8. A person is not eligible to be issued a licence or authorization under the Act if the person is or has been a member of a criminal organization as defined in subsection 467.1 (1) of the *Criminal Code* (Canada), or is or has been involved in, or contributes or has contributed to, the activities of such an organization.

RETAIL STORE AUTHORIZATIONS**Cannabis retail store requirements**

9. A retail store authorization may not be issued with respect to a proposed cannabis retail store if,

- (a) the retail space where cannabis would be sold,
 - (i) would not be enclosed by walls separating it from any other commercial establishment or activity and from any outdoor area, or
 - (ii) could be entered from or passed through in order to access any other commercial establishment or activity, other than a common area of an enclosed shopping mall; or
- (b) the premises at which the cannabis to be sold in the store would be received or stored would be accessible to any other commercial establishment or activity or to the public.

Public interest

10. For the purposes of paragraph 5 of subsection 4 (6) of the Act, only the following matters are matters of public interest:

1. Protecting public health and safety.
2. Protecting youth and restricting their access to cannabis.
3. Preventing illicit activities in relation to cannabis.

No issuance, proximity to schools

11. (1) In this section,

“private school” means a private school as defined in the *Education Act*.

(2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or a private school, as determined in accordance with the following:

1. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.
2. If the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building.

(3) Subsection (2) does not apply to a private school if,

- (a) it is located on a reserve; or
- (b) it only offers classes through the Internet.

Maximum permissible authorizations

12. The Registrar shall refuse to issue a retail store authorization if,

- (a) the applicant already holds 75 retail store authorizations; or
- (b) the applicant and its affiliates between them already hold 75 retail store authorizations.

Display of authorization

13. It is a condition of a retail store authorization that the holder display the authorization in a conspicuous place in the cannabis retail store.

Distribution services

14. (1) It is a condition of a retail store authorization that the holder not enter into contracts or agreements with any person or entity for the provision of cannabis distribution services.

(2) Subsection (1) does not apply with respect to,

- (a) a contract or agreement with the Ontario Cannabis Retail Corporation or with a person or entity acting under a contract to provide distribution services to or on behalf of the Ontario Cannabis Retail Corporation; or
- (b) a contract of employment with the holder to work in a cannabis retail store.

REVOCATIONS AND SUSPENSIONS**Revocation without proposal, prescribed contraventions**

15. For the purposes of clause 11 (3) (c) of the Act, section 9 of the *Cannabis Act* (Canada) is prescribed.

Public notice of suspension of authorization

16. (1) If a retail store authorization is suspended, the holder shall prominently display a sign respecting the suspension in a conspicuous place that is visible from the exterior of the public entrance to the cannabis retail store.

(2) The sign referred to in subsection (1) shall be in the form approved by the Registrar and shall be displayed for the duration of the suspension.

OPERATION OF CANNABIS RETAIL STORES**Permissible hours of operation**

17. A cannabis retail store is authorized to be open to the public between 9:00 a.m. and 11:00 p.m. on any day.

Additional items that may be sold

18. For the purposes of paragraph 2 of section 18 of the Act, the holder of a retail store authorization may sell the following items at a cannabis retail store:

- 1. Cannabis accessories within the meaning of subsection 2 (1) of the *Cannabis Act* (Canada).
- 2. Shopping bags.

Cannabis retail seal

19. (1) For the purposes of subsection 7 (2) of the Act, the holder of a retail store authorization shall, in accordance with this section, prominently display the cannabis retail seal set out in Schedule 1 to this Regulation.

(2) The cannabis retail seal shall be displayed in a conspicuous place that is visible from the exterior of the public entrance to the cannabis retail store.

(3) The displayed cannabis retail seal shall be at least 17 centimetres in width at its widest point by 20 centimetres in height.

(4) Either the French version, the English version or both versions of the cannabis retail seal may be displayed.

(5) The holder of a retail store authorization that is revoked or fails to be renewed shall ensure that the cannabis retail seal is removed from display as soon as practicable after the revocation or non-renewal.

Preventing entry of individuals under 19 years of age

20. (1) The holder of a retail store authorization shall ensure that no individual who appears to be under 25 years of age is permitted to enter the cannabis retail store unless the holder or an employee of the holder has required the individual to provide a form of identification prescribed for the purposes of subsection 7 (2) of the *Cannabis Control Act, 2017* and the holder or employee is satisfied that the individual is at least 19 years of age.

(2) For the purposes of subsection (1), subsection 7 (3) of the *Cannabis Control Act, 2017* applies with necessary modifications.

Training requirements

21. (1) The Board may approve training courses or programs, including but not limited to training courses or programs respecting,

- (a) the responsible sale of cannabis;
- (b) record keeping requirements under the Act; and
- (c) measures required to be taken under the Act to reduce the risk of cannabis being diverted to an illicit market or activity.

(2) The following individuals are required to successfully complete training courses or programs approved under subsection (1):

- 1. Holders of a retail store authorization.

2. Holders of a cannabis retail manager licence.

3. Individuals employed to work in a cannabis retail store.

(3) The holder of a retail store authorization shall ensure that every holder of a cannabis retail manager licence or other individual employed to work in the cannabis retail store meets the requirements of subsection (2).

MATTERS RESPECTING MUNICIPALITIES

Notice of resolution

22. (1) For the purposes of subsection 41 (5) of the Act, a municipality shall provide to the Registrar written notice of a resolution passed under that section no later than three business days after the resolution is passed.

(2) Despite subsection (1), notice of a resolution referred to in subsection 41 (1) of the Act shall not be provided to the Registrar later than January 22, 2019.

(3) In subsection (1),

“business day” means a day from Monday to Friday, other than a holiday.

MATTERS RESPECTING RESERVES

Notice of resolution

23. For the purposes of subsection 43 (5) of the Act, a council of the band shall as soon as practicable after the passing of a resolution referred to in that section provide to the Registrar written notice of the resolution.

COMMENCEMENT

Commencement

24. This Regulation comes into force on the later of the day clause 49 (1) (a) of Schedule 2 to the *Cannabis Statute Law Amendment Act, 2018* comes into force and the day this Regulation is filed.

SCHEDULE 1 CANNABIS RETAIL SEAL



Text alternative: Illustration of English cannabis retail seal consisting of “ONTARIO AUTHORIZED” in white capitalized text, above a white horizontal line, above an illustration of a white trillium, on a black background with a white border. This text alternative is provided for convenience only and does not form part of the official law.



Text alternative: Illustration of French cannabis retail seal consisting of “DÉTAILLANT AUTORISÉ EN ONTARIO” in white capitalized text, above a white horizontal line, above an illustration of a white trillium, on a black background with a white border. This text alternative is provided for convenience only and does not form part of the official law.

Français

Greater Essex County District School Board

451 Park St. W., P.O. Box 210, Windsor, ON N9A 6K1 · 519-255-3200



VIA EMAIL ONLY

November 30, 2018

The Government of Ontario
c/o The Honourable Doug Ford, MPP
Premier of the Government of Ontario
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Toronto, Ontario M7A 1A1
Email: premier@ontario.ca

The Government of Ontario
c/o The Honourable Caroline Mulroney, MPP
Attorney General and Minister of Francophone Affairs
McMurtry-Scott Building, 720 Bay Street, 11th Floor
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Dear Premier Ford and Minister Mulroney:

Re: Cannabis Retail Stores Proximity to Schools – Greater Essex County District School Board Comments

This correspondence is in response to the above-noted Ministry of the Attorney General led process that addressed limits of Cannabis Retail Stores proximity to schools. Please be advised that the Greater Essex County District School Board has had an opportunity to review and at the November 20, 2018 Board of Trustee's Meeting, passed a motion to write a letter of concern regarding the proximity of Cannabis Retail Stores to schools.

The Board is aware that Ontario Regulation 468/18, being the General Regulations pursuant to the *Cannabis Licence Act, 2018*, were approved and ordered by the Lieutenant Governor of Ontario, through an Order In Council on November 14, 2018. The Regulations came into force on November 16, 2018, when the Lieutenant Governor of Ontario proclaimed the Act to come into force, based on the recent passage of Bill 36, Cannabis Statute Law Amendment Act, 2018, receiving Royal Assent on October 17, 2018.

Under the Act, this gave the ability for the Ministry of the Attorney General to recommend the Regulations thereto. As such, Section 11 of the Regulation under the Act, established a minimum 150 metre separation distance between Cannabis Retail Stores and schools.

The Board is concerned with the minimum distance established by the Government of Ontario. By amending the Regulations to enhance the separation distance of Cannabis Retail Stores

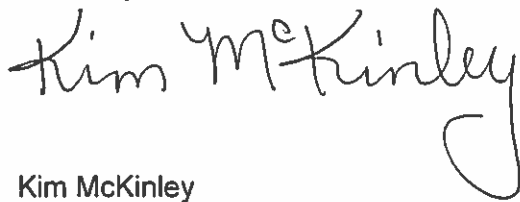
proximity to schools immediately, this will achieve one of the key principles of the legislation – to protect youth and to take whatever steps are necessary to ensure that cannabis remains out of the hands of people under the age of 19.

The Government of Ontario needs to help ensure that we protect the student community of the schools through ensuring public health and safety, protecting youth and reducing illegal sales.

The Board requests that the Ministry of the Attorney General re-commence the consultations with a wider stakeholder group in revising the Regulations and then have the draft regulations open to board public consultation and then make recommendations to the Lieutenant Governor of Ontario to amend the Regulations thereafter.

Should you have any questions or concerns on the above, please do not hesitate to contact the undersigned.

Sincerely,



Kim McKinley
Chairperson of the Board

cc.

Honourable Bill Blair, Minister of Border Security and Organized Crime Reduction Bill.Blair@parl.gc.ca

Honourable Lisa Gretzky, MPP, Windsor West (Email: lgretzky-qp@ndp.on.ca)

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Windsor-Essex County Health Unit (WECHU)

BOARD OF HEALTH

Resolution Recommendation – October 5 2018

PROPOSED MOTION

Whereas, the federal government has passed the *Cannabis Act, 2017* to legalize non-medical cannabis, coming into effect on October 17th, 2018, and

Whereas, the Ontario government has amended the provincial *Cannabis Act, 2017* to permit a privatized retail model in Ontario, and

Whereas, cannabis smoke contains many of the same carcinogens, toxins, and irritants found in tobacco smoke with the added psychoactive properties of cannabinoids like THC, and

Whereas, increased density and clustering of cannabis retailers may result in increased access, consumption, and increased risk for chronic disease, mental illness, and injury, and

Whereas, Ontario municipalities will have the one-time opportunity to OPT OUT of cannabis retail outlets in their communities, and

Now therefore be it resolved that, the Windsor-Essex County Board of Health encourages all Windsor-Essex municipalities to OPT OUT of the cannabis retail model as proposed by the provincial government in their respective communities.

FURTHER that the Windsor-Essex County Board of Health encourages the provincial government to establish limits on the number of retailers in a geographic area to prevent clustering and reduce retail outlet density.

FURTHER that, the Windsor-Essex County Board of Health for the Windsor-Essex County Health Unit encourages provincial government to set additional regulations with respect to the proximity of retail outlets in relation to areas which may unfairly target vulnerable populations.

FURTHER that, the provincial government provide local public health units with dedicated funding for public education and health promotion activities as well as the enforcement of cannabis-related regulations under the Smoke-free Ontario Act and **FURTHER** that the Windsor-Essex County Board of Health for the Windsor-Essex County Health Unit encourages all Windsor-Essex municipalities to amend existing smoke-free by-laws to include “cannabis” in the definition, and expand spaces where the use of substances is prohibited (e.g., cannabis consumption venues or vape lounges).

FURTHER that, previous Resolutions passed by the Windsor-Essex County Board of Health are shared with the newly elected provincial government.

Further that the Windsor-Essex Board of health suggests the province providing for the ability of municipalities to create licensing and zoning regulations, which would be reflective of the unique needs of individual communities in addition to increasing the number and distance of buffer zones proposed for retail outlets from vulnerable areas.

AND FURTHER that this resolution be shared with the Honorable Prime Minister of Canada, local Members of Parliament, the Premier of Ontario, local Members of Provincial Parliament, Minister of Health and Long-term Care, Federal Minister of Health, the Attorney General, Chief Medical Officer of Health, Association of Local Public Health Agencies, Ontario Boards of Health, Ontario Public Health Association, the Centre for Addiction and Mental Health, and local community partners.

APPENDIX

Municipal engagement activities to date

<i>Summary of Activities</i>		
Date	Municipality	Activity
November, 2017	Windsor	Presented to city administrators A Public Health Perspective for the Location of Cannabis Retail Storefronts in the City of Windsor: Windsor-Essex County Health Unit Recommendations recommends a minimum distance of 500m to be set between cannabis businesses or production facilities and sensitive areas such as schools, low-income areas, and mental health and addiction treatment facilities.
May 28, 2018	Leamington	Provided a letter in support of the recommended regulations set out in Council Report LLS-28-18, regarding the regulation of cannabis production and distribution. In addition to supporting the restrictions outlined in the report for the regulation of cannabis production and distribution within the municipality, WECHU provided additional insight into the health implications associated with cannabis exposure and additional measures which should be considered in protecting residents from second-hand cannabis smoke and smoking behaviour, including

		recommendations for the siting of cannabis-related businesses.
June 20, 2018	Windsor	Participated in meeting with representatives from the City of Windsor administration, Ontario Cannabis Store Vice President and Community Engagement Team, and Windsor Police to discuss proposed cannabis retail locations, operations, and safety of operational measures and provide feedback from a public health perspective.
	Amherstburg	Contributed feedback and recommendations for the <i>Amherstburg Parks Master Plan</i> to establish minimum distance requirements between existing alcohol and cannabis outlets and between all new alcohol/cannabis outlets to playground, youth facilities and recreation areas.
June, 2018	Kingsville	Contributed feedback and recommendations for the <i>Town of Kingsville Official Plan Review: Issues and Policy Directions Report</i> to set minimum distances between cannabis-related businesses and sensitive land use areas.
July 18, 2018	LaSalle	Participated in meeting to discuss legalization implications and needs for the municipality, and present recommendations for zoning of cannabis related businesses and ways to strengthen existing by-laws (e.g. municipal smoking by-laws).
August, 2018	Kingsville	Contributed feedback and recommendations for the <i>Town of Kingsville Application for Zoning By Law Amendment (4.46 Medical Marihuana Production Facilities)</i> . Recommendations included establishing minimum distance requirement be increased to no less than 500m between marihuana production facilities and lands zoned for residential, recreational, institutional use and Lake Erie. It was also recommended that facilities should operate with an odour

		abatement protocol to eliminate noxious odour and conduct environmental impact assessments and provide reports to the municipality.
August 29, 2018	Tecumseh	Attended meeting to provide recommendations for zoning and siting of retail locations and recommend ways to strengthen existing by-laws (e.g. municipal smoking by-laws).
September 28, 2018	All municipalities	Presented recommendations for licensing, zoning, and by-law amendments from a public health perspective to all municipal CAOs. Provided recommendations on how to best approach the private retail model implementation in Windsor-Essex and the importance of a unified approach across municipalities.