

Report to Council

Report Title:	Cannabis Policy Considerations		
Prepared By:	Fiona Hamilton, Clerk		
Department:	Clerk's		
Date:	June 4, 2019		
Report Number:	CLK2019-12	File Number:	C11CL, P01CA
Attachments:	Deputy Minister's Letter to Treasurers Ontario Cannabis Legalization Implementation Fund		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2019-12 - Cannabis Policy Considerations, prepared by Fiona Hamilton, Clerk for information purposes.

Report:

Background:

The current cannabis regulation regime in Ontario is that the Alcohol and Gaming Commission of Ontario is the licensing authority for retail sales of recreational cannabis, with the revised *Smoke Free Ontario Act 2017*, S.O. 2017 c. 26 (the "SFOA 2017") prohibiting the smoking or vaping of cannabis in certain locations. The Tobacco Enforcement Officers employed by the Grey Bruce Health Unit are responsible for enforcing the provision of the SFOA 2017. Municipalities are permitted to pass by-Laws further restricting the smoking or vaping of recreational cannabis in public places within their jurisdiction.

The SFOA 2017 currently restricts smoking or vaping cannabis or tobacco in the following locations:

- Enclosed public places;
- Workplaces (including vehicles);
- Within 20 metres of school property;
- Within 20 metres of school grounds, playgrounds, and community recreational facility (such as sports fields, spectator areas, pools, arenas, etc.);
- Within 9 metres of any bars or restaurants;
- Please note that the 20 metre radius is applied to the entire property on which a community recreational facility is located;

The following is a list of places that would not be covered by the SFOA 2017:

- Beaches (although a 20 metre perimeter around a playground on the beach would be prohibited);
- Trails;
- Campgrounds; and
- Parks (but the 20 metre radius around a playground would again be prohibited).

Sonya Watson, Chief Administrative Officer, and Fiona Hamilton, Clerk have met with staff from other municipalities in the County of Bruce to discuss potentially developing common prohibitions regarding smoking or vaping cannabis throughout Bruce County (which would avoid confusion for visitors to the area).

Many of the staff members from the municipalities along the shoreline were concerned about cannabis use on the beaches, and the fact that the SFOA 2017 would only pertain certain portions of the beach area (where a playground may be located, for example). These municipalities tended towards a global prohibition to avoid confusion and the need to put up additional signage. The proponents of the global approach would have included all municipal trails and potentially even sidewalks and public and private parking lots.

Other municipalities identified that a global prohibition may be challenging and potentially costly given the need for additional enforcement. It was also noted that any prohibition in addition to those contained in the SFOA 2017 should include tobacco for fairness and consistency. The enforcement officers would need to be able to prove that the substance being smoked was cannabis (and odour may not be sufficient grounds to do so). Many believed that a global prohibition of both cannabis and tobacco was too restrictive and would not be popular among residents, particularly given the strong support shown by residents in the Municipality of Brockton to allow sales of retail recreational cannabis in the surveys that were completed at the end of 2018.

Any potential prohibition would be limited only to smoking or vaping cannabis as edible and concentrated cannabis products cannot be legally consumed in Ontario at this time.

Staff have also considered that lands in the East Ridge Business Park of the Municipality of Brockton have been zoned to allow for cannabis production. A general prohibition of smoking or vaping cannabis may deter potential cannabis producers from considering investing in these properties.

Analysis:

Brockton staff are developing a list of parks and other locations within the Municipality of Brockton that would not be covered by the SFOA 2017 with a view to analyzing each location. Factors such as visibility to the community, ease of enforcement, remoteness, proximity to areas frequented by children, how the location is used, etc. and will bring forward an additional report with recommendations about where a further cannabis or tobacco prohibition may be appropriate given the benefits and drawbacks of the enforcement approaches described above.

Staff are seeking input from Council regarding the potential preferred enforcement approach relating to smoking or vaping cannabis products in the Municipality of Brockton to assist in bringing forward additional recommendations.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

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| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity? | Yes |
| • Do the recommendations contribute to Environmental Integrity? | N/A |
| • Do the recommendations contribute to the Social Equity? | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

As mentioned in previous reports, the Province of Ontario has provided funds to all municipalities to assist with the implementation costs of recreational cannabis legalization. A second payment was made by the Province of Ontario to all municipalities that opted in to allowing retail recreational cannabis. The Municipality of Brockton received the first payment of \$5,604.00 on January 24, 2019, and a second payment of \$6, 857.00 on February 28, 2019 for a total of \$12,461.00. A letter from the Ministry of Finance about the Municipality of Brockton's allocation of the Ontario Cannabis Legalization Implementation Fund has been attached.

Reviewed By:



Chief Financial Officer

Respectfully Submitted by:



Fiona Hamilton, Clerk

Reviewed By:



Chief Administrative Officer