

Submission to the
Standing Committee on Justice Policy

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

November 30, 2017



Ontario Catholic School
Trustees' Association



Ontario Catholic School Trustees' Association

Mission Statement

Inspired by the Gospel, the Ontario Catholic School Trustees' Association provides the provincial voice, leadership and service for elected Catholic school trustees to promote and protect publicly funded Catholic education in Ontario.

Vision Statement

Ontario is enriched by a publicly funded Catholic education system, governed by locally elected Catholic school trustees who serve with faith, commitment and compassion.

Introduction

On behalf of the Ontario Catholic School Trustees' Association ("OCSTA") we are pleased to provide the Standing Committee on Justice Policy with our submission on Ontario's *Cannabis Act, 2017* ("Bill 174").

The Ontario Catholic School Trustees' Association (OCSTA) was founded in 1930. It represents 237 elected Catholic trustees who collectively represent 29 English-language Catholic district school boards. Together, these school boards educate approximately 545,000 students from junior kindergarten to grade 12 and adults in continuing education programs province-wide.

Inspired by the Gospel, the Mission of the Ontario Catholic School Trustees' Association is to provide leadership, service and a provincial voice for elected Catholic school trustees who seek to promote and protect publicly funded Catholic education in Ontario.

ONTARIO'S LEGISLATIVE FRAMEWORK

On Wednesday, November 1, the government of Ontario introduced bill 174 the Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017 ("bill 174) for first reading. This proposed set of legislative amendments follows through on the government's intention to legalize and regulate the recreational use of cannabis.

KEY ASPECTS OF BILL 174

Bill 174 is divided into four "schedules" that enact specific legislation. The *Cannabis Act, 2017* (Schedule 1) and the *Ontario Cannabis Retail Corporation Act, 2017* (Schedule 2). Bill 174 also repeals the Smoke-Free Ontario Act and the Electronic Cigarettes Act, 2015 and replaces them with the *Smoke-Free Ontario Act, 2017* (Schedule 3), and makes amendments to the *Highway Traffic Act* regarding driving with alcohol or drugs present in the body and other matters (Schedule 4).

Purposes of the Cannabis Act, 2017

Section 1 of Schedule 1, *The Cannabis Act, 2017* outlines the purpose of the proposed act: To establish prohibitions relating to the sale, distribution, purchase, possession, cultivation, propagation and harvesting of cannabis in order to,

- protect public health and safety,
- protect youth and restrict their access to cannabis, and
- ensure the sale of cannabis in accordance with the Ontario Cannabis Retail Corporation Act, 2017;
- deter illicit activities in relation to cannabis through appropriate enforcement and sanctions; and
- provide for approved youth education or prevention programs as an alternative to enforcement and sanctions.

The Cannabis Act sets out circumstances in which certain provisions or regulations do not apply. For example, the Act and the regulations do not apply to the medical production and use of cannabis.

The prohibitions respecting cannabis that are established by the Act are set out in sections 6 to 13 of the Act. These prohibitions include:

- that no person is permitted to sell cannabis other than the Ontario cannabis retailer established under the Ontario Cannabis Retail Corporation Act, 2017;
- cannabis may not be distributed except by a licenced Ontario cannabis retailer;
- selling or distributing cannabis to persons under 19 years of age and to persons who are or appear to be intoxicated.
- prohibits persons under 19 years of age from possessing, consuming, purchasing or attempting to purchase, distributing, cultivating, propagating or harvesting cannabis or offering to cultivate, propagate or harvest it.
- restricts the places where cannabis may be consumed to private residences;
- restricts the transport of cannabis in a vehicle or boat, unless certain conditions;
- prohibits landlords from knowingly permitting their premises to be used in relation to the unlawful sale or distribution of cannabis.

Proposed Changes to the Education Act and impacts on School Boards

Key amendments are made to the **Education Act**. Section 30 of the Cannabis Act makes amendments to Part XIII of the Education Act. These changes include:

- Amending the list of purposes of the provincial code of conduct (section 301, Education Act) governing the behaviour of all persons in schools so that it refers to discouraging the use of cannabis, except by a medical cannabis user. New language replaces paragraph 6 of subsection 301 (2) “alcohol, illegal drugs, and, except by a medical cannabis user, cannabis”.
- Revising the list of activities leading to possible suspension (section 306) so that it refers to possessing and being under the influence of cannabis, unless the pupil is a medical cannabis user;
- Changing the list of activities leading to suspension, investigation and possible expulsion so that it refers to giving cannabis to a minor. (section 310)

These changes are significant for school boards. In essence, it gives the Minister of Education the authority to direct boards to revise various policies related to recreational cannabis use. The revisions to the Education Act will require boards to revise their policies in respect of student, staff codes of conduct to actively discourage the use of cannabis for recreational purposes. It will also require boards to revise policies governing suspension and potential expulsions to ensure they capture recreational cannabis use.

OCSTA's Concerns with Bill 174: Summary

We believe the legalization framework will encourage more youth to experiment with cannabis, develop dependencies on its use, which in turn will undermine the core education objectives of our Catholic school system: promoting the well-being of the whole child, mind, body and spirit and encouraging student achievement and excellence.

OCSTA also endorses the forthcoming Declaration from the Canadian School Boards Association and Trustee Associations (attached) outlining the impact the use of non-medical cannabis will have on school life.

Retail Distribution Model Concerns

The proposed legislation (Schedule 2) will establish a new Crown corporation ("Ontario Cannabis Retail Corporation") with a subsidiary relationship to the LCBO and create 150 standalone stores to be opened by 2020, with 40 by July 2018. The stores will have the exclusive right to sell non-medical cannabis and related products to adults. In terms of siting of these stores within Ontario communities, the government is working with municipalities across Ontario to develop guidelines municipalities must follow when determining locations for these stores.

OCSTA is also concerned that any proposed guidelines for municipalities must be specific and take into consideration the protection of youth from exposure to recreational cannabis products in stores.

Given the risks to student health and well-being that non-medical cannabis use poses, OCSTA believes that the siting of non-medical cannabis stores should be at least **3 km's away from the nearest school.**

CATHOLIC CHURCH POSITION ON RECREATIONAL DRUG USE

The Catechism of the Catholic Church (n2291) states that "except on strictly therapeutic grounds, the use of drugs is a grave offence" (n2291). It inflicts grave damage on human health and life and contributes to the destruction of the integrity of the human person and is therefore an affront to God.¹ Pope Francis has also commented that the legalization of Cannabis for recreational use is "highly questionable from a legislative standpoint, [and such measures] fail to produce the desired effects".² The Canadian Conference of Catholic Bishops indicates in a recent statement on the Canadian government's cannabis legalization strategy "from the standpoint of public health, not only does this course of action appear to be unwise, it is potentially dangerous. The very significant health risks associated with the use of cannabis are widely recognized, particularly in young people".³

The Catholic Church advocates for preventative actions and an education on drug use that shows students how they fundamentally harm human life and well-being. Through close cooperation

¹ See Drug and Education Policy and Guidelines, Catholic Education Office, Diocese of Wollongong Australia, 2003, p.3).

² CBS News, 2014, <https://www.cbsnews.com/news/pope-francis-condemns-legalization-of-recreational-marijuana>.

³ Canadian Conference of Catholic Bishops, Statement on Canada's Opioid Crisis and Drug Addiction, 2017, p.6.

between youth, parents, the local parish and local schools, the Catholic Church supports a comprehensive preventative educational model for recreational drug use.

THE DISTINCTIVE NATURE OF CATHOLIC EDUCATION

Catholic school boards have a distinctive educational mission. In addition to carrying out the duties they share with public school trustees, Catholic trustees, as representatives of the Catholic community, must ensure that the mission of Catholic education reflects the broader mission of the Catholic Church. Catholic education is a key feature of the Church's mission to evangelize students into the Catholic faith, the teaching and life of Jesus Christ. The Catholic school is a faith community in which spirituality and the practice of faith is lived out in the daily experience of students and staff. In other words, Catholic education's foundational principles are:

- A view of life as God-centred
- A view of the person as Christ-centred
- A view of the community as Church-centred.

OCSTA'S POLICY CONCERNS AND RECOMMENDATIONS

It is in this specific context that OCSTA has significant concerns about the impact on our school communities the legalization of cannabis will entail. In terms of our response, the submission will outline key principles for the development of a regulatory framework applicable to the Catholic education system.

Key principles for the development of a regulatory framework for Catholic schools:

- Health promotion of the whole person and a focus on prevention strategies are foundational. Student mental health and well-being must be at the forefront of drug education policies.
- Recognize that the possession and use of all cannabis products for recreational use by students is strictly prohibited on both legal and moral grounds.
- Curriculum changes must take into consideration the unique framework for students outlined in our Ontario Catholic School Graduate Expectations and the expectations of parents and the local parish community;
- Policy responses must recognize Gospel values, principles and standards that form the distinctive nature of Catholic school culture and identity.
- Policy responses must also maintain school board flexibility and autonomy to develop cannabis and drug education policies that reflect local conditions.

1. Public health impacts for youth, including youth prevention, substance use

Use and Public Health Issues:

Cannabis is the most commonly used illegal drug in Canada. According to the Canadian Centre on Substance Abuse, 11% of youth in Canada have used cannabis at least once in the past year. Of those youth that have used cannabis in the last three months, 28% report using it every day or almost every day.⁴ In Ontario, 23% of high school students reported using Cannabis in 2013.⁵

The public health impacts for youth using cannabis are well known. The Canadian Medical Association states that cannabis use is linked to the following negative health outcomes:

- Heart disease
- Bronchitis
- Mental illness including psychosis, anxiety disorders, depression, schizophrenia.
- Cognitive impairments such as memory, motivation, attention span, learning.⁶

These negative health outcomes are further exacerbated if use is frequent and starts at a young age when brain development is still occurring.⁷ In addition, cannabis use is linked to maternal health problems in developing infants and seriously impairs a person's ability to operate vehicles and machinery and engage in complex cognitive functions.

Thus, frequent, early cannabis use will have significant negative health impacts on youth that undermine learning and the well-being of the whole child/youth.

OCSTA Recommendation

Curriculum materials and programs need to focus on the harms of cannabis use and a comprehensive approach to prevention. Schools boards should also have the flexibility and additional resources to establish prevention programs with community mental health and substance abuse agencies, parent groups and Church leaders.⁸

2. School Safety Issues

Catholic schools form a welcoming and nurturing environment that supports the development of the whole student, mind, body and spirit. Schools must also be safe communities free from crime, violence and any illicit activity associated with the selling and consumption of cannabis products.

⁴ Canadian Centre on Substance Abuse: Clearing the smoke on Cannabis. September 2016.

⁵ Centre for Addiction and Mental Health, Cannabis Policy Framework, 2014, p. 2.

⁶ Canadian Medical Association submission to the government of Canada Task Force on Marijuana, August 2016, p. 4. Also see note 5, p.3-5.

⁷ See note 4 page 3.

⁸ The Canadian Centre on Substance Abuse has resource document "Guide to Facilitate Discussions about Youth Cannabis Use in Your Community, 2016 that may be a useful model for panels discussions and presentations.

OCSTA Recommendation

OCSTA would support the development of expanded “school safety zones” where the sale, distribution and consumption of cannabis products are strictly prohibited. For example, the restrictions imposed in *Ontario’s Smoke Free Ontario Act* and the *Electronic Cigarettes Act, 2016* that restrict the consumption of tobacco products to 20 meters of playgrounds and other public places should be expanded substantially to a minimum of 1 km of school property. The amendments proposed in bill 174 (*Smoke Free Ontario Act, 2017*) that prohibit smoking of medical cannabis, tobacco and related products near schools and child care centres should be more specific and include a safety zone of 1 km around schools and child care centres.

The policy objective in the legalization framework is to ensure students are not exposed to any of the influences associated with the sale, distribution, or consumption of cannabis products.⁹

3. Possible changes to school board policies related to suspensions and expulsions

Catholic school boards are required under section 29.2 of the *Education Act* to have student drug education policies. These policies cover a wide range of issues including: health education/early intervention, possession, prevention, use, counselling and disciplinary action. These policies cross reference many different Policies and PPMs, including code of student behavior, student discipline, search and seizure and bullying prevention to name only a few.¹⁰

Currently all Catholic school boards have policies that outline the conditions under which students can be suspended or expelled from school related to cannabis that align with the requirements of the Ministry of Education and sections 306 and 310 of the *Education Act* and O. Reg 472/07 (“Behavior, Discipline and Safety of Pupils”).¹¹ Bill 174 proposes amendments to these sections of the *Education Act* to reflect new activities leading to suspensions and expulsions. For example, a school Principal will have the authority, once the bill is passed, to suspend a student possessing cannabis, giving or selling cannabis to a minor depending on the specific circumstances of the student and factors relevant to those circumstances.

OCSTA Recommendation

The Ministry of Education should establish working committees or tables with key school board stakeholders to review existing ministry policies, identify any gaps in PPMs or guidelines and develop revised policies guidelines to enable boards to revise their internal student drug education, code of conduct and disciplinary policies in relation to cannabis use. Catholic boards need to maintain their current degree of flexibility to draft revised policies that fit with their local circumstances.

⁹ See Report of the Chief Medical Officer of Health, City of Toronto, May 29, 2017 “Legal Access to Non-Medical Cannabis: Approaches to Project Health and Minimize Harm of Use.” For an overview of the key public health issues see “Legalization and Regulation of Non-Medical Cannabis Use” May 2016, Toronto Chief Medical Officer of Health. (www.toronto.ca/legdocs/mmis/2017/ls/bgrd/backgroundfile-106876.pdf)

¹⁰ See Thunder Bay Catholic District School Board “Student Drug Education Policy” #1007 October 2013. It references Policies: 703, 710, 713, 714 and PPMs 128, 144, 145 for example.

¹¹ See PPM 145, 2012 Progressive Student Discipline and Promoting Positive Student Behaviour.

4. Supports for the education sector, including parents and students

Our Catholic school boards, like other publicly-funded school boards in Ontario, inform us that they require additional funded information and program supports for students, parents and member of the Catholic school community. Jurisdictions in the United States that have legalized recreational cannabis use, for example, Colorado, the department of education has developed resources and communications materials to support communities on the harms of cannabis use.¹² These are targeted at specific segments of the community from parents and students to school officials with a wide range of learning resources. These include teacher tool kits on how cannabis and other drugs undermine health and achievement. Of course, with all the new forms of cannabis being developed—from oil products to edibles—specific programs and learning materials need to be developed to promote student safety and well-being.

OCSTA Recommendation

OCSTA recommends that the Ministry of Education establish working committees to review and develop learning support materials for school boards, as well as other support programs and links to community public health organizations with expertise in the harms of cannabis use. It is important too that any new set of programs and resources for school boards be funded by the Ministry.

5. Protection for vulnerable populations and youth

The public health literature demonstrates that vulnerable and marginalized youth have higher than average drug use/abuse issues than others. For example, according to the Canadian Paediatric Society, Indigenous youth are particularly at risk with two-thirds of 15-19 year olds reported use over the past year.¹³ Students and youth with disabilities and mental health concerns may also be at greater risk for developing cannabis dependency. Students with mental health issues may believe myths surrounding cannabis use as harmless and potentially beneficial for their symptoms. Students with learning disabilities may believe various myths associated with cannabis use due to the lack of targeted special educational programs in this area.

OCSTA Recommendation

OCSTA recommends that the Ministry of Education collaborate with school boards, Indigenous organizations and other public health agencies to develop specific and targeted educational resources and supports for vulnerable youth and students about the risks, harms and issues associated with cannabis use and dependency.

¹² See the Colorado School Safety Resources Center, Marijuana section for a set of resources and links from the department of education (<https://colorado.gov/pacific/cssrc/marijuana-in-schools>). From a Catholic perspective, the Catholic Education Office Diocese of Wollongong has a comprehensive drug education guide for developing specific school board policies (2003) for its Catholic schools.

¹³ Canadian Paediatric Society Position Statement on Cannabis and Canada's children and youth, May 2017, p.2.

6. Possible changes to the Ontario curriculum—Health and Physical education, social sciences and humanities, Canadian and world studies, law

At the present time, school boards' drug education programs are usually delivered via the health and physical education curriculum. However, the legalization framework may require a more comprehensive review of the existing curriculum across many additional subject areas (law, social studies, etc.).

OCSTA Recommendation

The Ministry of Education should establish or repurpose existing working groups to review the key curriculum components related to student drug education and prevention programs. This curriculum review should take into account the unique Catholic perspective on drug use and dependency and the requirements of our Ontario Catholic School Graduate Expectations.

7. Marketing of Cannabis to minors

As part of OCSTA's prevention and harm reduction approach to cannabis legalization, we believe the Ontario government should place severe restrictions on the marketing of cannabis products. Bill 174 (Schedule 2, Ontario Cannabis Retail Corporation sub section 29) gives the government the regulation making authority to direct the retail corporation in this regard.

The Canadian Paediatric Society has several recommendations OCSTA supports in respect of marketing cannabis to youth. In its May 2017 policy statement the CPS suggests the following:

- prohibit dispensaries from being located close to elementary, middle and high schools, licensed child care centres, community centres, residential neighbourhoods and youth facilities.
- prohibit the sale of cannabis products by means of self-service displays or dispensing devices.
- mandate strict labelling standards for all cannabis products, including a complete and accurate list of ingredients and an exact measure of cannabis concentration.
- mandate package warnings for all cannabis products, including known and potential harmful effects of exposure (e.g., to young children and the fetus during pregnancy), similar to messaging on cigarette packaging.
- mandate and enforce strict marketing and promotional standards, including a ban on all cannabis industry-related advertising and on the sponsorship of events, activities or permanent facilities by the cannabis industry.
- mandate and enforce a ban on the marketing of cannabis-related products using strategies or venues that attract children and youth, including (but not limited to) 'candy-like' edibles, 'giveaways' and promotion through social media.¹⁴

These could form the basis of regulations made restricting the sale and marketing of non-medical cannabis products under the proposed legislation.

¹⁴ Page 4.

Conclusion

Cannabis use has many seriously harmful and long lasting impacts on human health and well-being. It is especially dangerous for youth and their developing brains and is linked to wide range of negative mental and physical health outcomes that undermine learning objectives. OCSTA believes that a comprehensive preventative education strategy is key to a sound drug education response.

Ontario Catholic School Trustees' Association
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