

Submission to

The Standing Committee on Social Policy

Bill 36, Cannabis Statute Law Amendment Act, 2018

October 9, 2018



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 you with our submission on *Bill 36: An Act to enact a new Act and Make amendments to various other Acts respecting the use and sale of cannabis and vapour products in Ontario* ("Bill 36"). The recommendations contained within this submission reflect consultations with our Catholic school boards and should be considered within the context of OCSTA's earlier submissions on the *Cannabis Act, 2017*.

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.

Key Features of Bill 36

Bill 36 introduces and enables a private retail market for the sale of non-medical cannabis. In the new model:

- Private retailers would be licensed and regulated by the Alcohol and Gaming Commission of Ontario ("AGCO"); the AGCO would begin accepting license applications in December 2018;
- The Ontario Cannabis Retail Corporation would be the exclusive wholesaler and online retailer of cannabis;
- Municipalities would be able to pass a council resolution by January 22, 2019 to opt out of retail stores;
- First Nations communities would be able to opt out of cannabis deliveries and retail stores;
- The province will provide municipalities \$40 million over two years to assist with the cost of non-medical cannabis legalization;
- No cap on the total number of licenses or store authorizations;
- A distance buffer between private cannabis stores and schools would be set through regulation in advance of December 2018 following further consultations with key stakeholders.

OCSTA's Concerns and Recommendations

Schedule 2 of Bill 36 enacts the new *Cannabis Licence Act, 2018*, which sets out a licensing condition for private cannabis retail stores. The licensing rules are administered by the AGCO. These include:

- A retail store authorization allows its holder to operate a particular cannabis retail store. A separate authorization is required with respect to each store. In order to apply for a retail store authorization, a person must be the holder of or an applicant for a retail operator licence,
- Subsection 3 (12) enables the Registrar to refuse to issue a retail store authorization if the proposed cannabis retail store would be located less than the distance specified by or determined in accordance with the regulations from a school, prescribed land use or other circumstances laid out in regulations.

Recommendation 1

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

Recommendation 2

We would also recommend that it be specified in the regulation that the AGCO develop a stakeholder consultation mechanism with school boards to review licensing conditions and store operating procedures to ensure student safety and well-being.

Municipal Exemptions

Under section 41, a municipality may pass a resolution by January 22, 2019 prohibiting cannabis retail stores from being located in the municipality. Such a prohibition may be lifted by a later resolution passed by the municipality, but a municipality's decision to do so is final and may not be further reversed.

Recommendation 3

Municipalities should be required to consult with local school boards on developing an opt out resolution and the timeframe for developing such a resolution be extended until March, 2019.

Smoke Free Ontario Act Schedule 4 and Places of Use

This schedule of Bill 36 regulates places where the smoking of cannabis (both medical and non-medical) would be allowed. It follows the same restrictions that apply to the smoking of tobacco products (enclosed workspaces, enclosed public places, for example). In general, municipalities may also pass bylaws to further restrict the use of cannabis.

Recommendation 4

OCSTA supports the development of expanded “school safety zones” where the 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 from school property.

Recommendation 5

Bill 36 Schedule 4 should include amendments that explicitly direct municipalities to develop bylaws that further restrict places of use of cannabis products in order to protect youth from any illicit activity associated with the consumption of cannabis products.

Ontario Catholic School Trustees' Association
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