

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
16 April 2018 / 16 avril 2018**

**Submitted on April 9, 2018
Soumis le 9 avril 2018**

**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-OPH-HPP-0003

SUBJECT: ACTING MEDICAL OFFICER OF HEALTH SUBMISSIONS TO
PROPOSED PROVINCIAL REGULATIONS UNDER THE *SMOKE FREE
ONTARIO ACT, 2017* AND *CANNABIS ACT, 2017*.

OBJET: SOUMISSIONS DE LA MÉDECIN CHEF EN SANTÉ PUBLIQUE PAR
INTÉRIM EN RÉPONSE AUX RÈGLEMENTS PROVINCIAUX
PROPOSÉS EN APPLICATION DE LA *LOI DE 2017 FAVORISANT UN
ONTARIO SANS FUMÉE* ET DE LA *LOI DE 2017 SUR LE CANNABIS*

REPORT RECOMMENDATION

**That the Board of Health for the City of Ottawa Health Unit receive the Acting
Medical Officer of Health's submission to the Province of Ontario in response to
proposed regulations for the *Smoke-Free Ontario Act, 2017* and for places of use**

under the *Cannabis Act, 2017*, as outlined in Documents 1 and 2 respectively, and approve the recommendations contained therein.

RECOMMANDATION DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa prenne connaissance des soumissions de la médecin chef en santé publique par intérim, à la province de l'Ontario, en réponse à la *Loi de 2017 favorisant un Ontario sans fumée et projet de règlement* et au *Projet de règlement sur les lieux de consommation en application de la Loi de 2017 sur la consommation du cannabis*, comme l'indiquent les documents 1 et 2 respectivement, et qu'il approuve les recommandations qu'elles contiennent.

BACKGROUND

The Ottawa Board of Health supports a public health approach to the legalization of cannabis and has adopted evidence-based positions in the development of a new legislative and regulatory framework. This includes Ottawa Public Health's (OPH) plan to reduce the harms from cannabis use, which focuses on supporting people along the continuum of substance use.

OPH staff have been monitoring developments related to legalization. This includes the creation of federal and provincial regulatory frameworks, as well as participating in municipal discussions on implementation.

On February 5, 2018 the Board considered a report titled: "[Preparing for the Legalization of Non-medical Cannabis](#)" and adopted a position on regulations for cannabis production as well as packaging and labelling. The Board also approved a motion to adopt a formal position and approved a proposed submission on regulations relating to cannabis retail and distribution.

Two draft submissions were circulated to the board, on February 28, 2018, containing the comments and recommendations of the Acting Medical Officer of Health, for review and input prior to their response deadlines of March 3rd and 5th respectively:

1. Related to the [Smoke-Free Ontario Act, 2017 \(SFOA\) regulations](#), proposed regulations to establish restrictions on places of use and restrictions or requirements for tobacco and vapour products with respect to places of sale, flavoured products, sale/supply to minors, signage, display and promotion, packaging and health warnings. (See document 1 attached)

2. Related to places of use under the [Cannabis Act, 2017](#) and feedback on establishing specific restrictions and exemptions for where non-medical cannabis and other forms of medical cannabis may be used. (see document 2 attached)

DISCUSSION

OPH is supportive of a public health approach to the legalization of cannabis to minimize the negative health and social impacts. Accordingly, OPH has been recommending that the federal and provincial governments adopt an approach that is committed to evidence-informed decisions about regulations that protect public health initially and in the long-term. OPH has recommended investments in health assessment, surveillance and research; health promotion/prevention activities; implementation of sufficient health protections; and sufficient supports for evidence-informed early identification of problem cannabis use and treatment.

Provincial consultations provide an opportunity for all sectors to put forward recommendations. OPH put forward public health focused recommendations that sought to create smoke-free environments and protect others from the second-hand effects of cannabis use. This aligns with OPH's plan to reduce the harms from cannabis use, as presented to the Board on February 5, 2018. OPH recognizes that the provincial government will take into account recommendations from other sectors, and that their perspectives will also be taken into consideration to make final policy and regulatory decisions.

In preparing recommendations to the provincial consultations, OPH staff considered the available health evidence, lessons learned from regulating other substances, the approach taken in U.S. jurisdictions where non-medical cannabis is legal, and consulted with partners.

In developing its recommendations for allowing or prohibiting designated smoking areas, OPH considered ethical and health equity implications, including views gleaned from consultation with stakeholders. Based on the available evidence and precautionary principles, emphasis was placed on protecting others from exposure to second-hand smoke and vapour in order to prevent adverse health outcomes. There is evidence that cannabis second-hand smoke contains the same harmful chemicals as second-hand smoke from tobacco.^{i,ii,iii} In addition, the use of vaping devices such as e-cigarette results in passive exposure of second-hand aerosols that can lead to adverse health effects to bystanders.^{iv,v} More research is needed to know for certain the long-term consequences of exposure to aerosols.^{vi}

OPH is supportive of the precautionary approach taken by the Government of Ontario to include the prohibition of vaping in provincial legislation. Further to OPH's plan to reduce the harms from cannabis use, OPH is seeking to protect the public from exposure to second-hand effects, while also promoting lower-risk consumption methods for those who choose to consume cannabis. OPH recommends cannabis users follow Canada's Lower-Risk Cannabis Use Guidelines^{vii}, which recognize that vaping is a lower risk method of consumption. The Acting Medical Officer of Health's submissions to the Province of Ontario, attached as Documents 1 and 2, provided recommendations with accompanying rationale and evidence. Through this report, OPH is recommending **that the Board of Health receive the Acting Medical Officer of Health's submissions to the Province of Ontario in response to proposed regulations for the *Smoke-Free Ontario Act, 2017* and for places of use under the *Cannabis Act, 2017*, as outlined in Document 1 and 2, and approve the recommendations contained therein.**

NEXT STEPS

On February 22, regulations were released related to retail and distribution of cannabis under the [Cannabis Act, 2017](#) and the [Ontario Cannabis Retail Corporation Act, 2017](#). The regulations reflect what the province had proposed in their consultation document. In its submission during the consultation period, OPH and the Board were supportive of the measures proposed by the province and offered additional evidence and suggestions to consider.

The Province of Ontario has not indicated a timeline for making available regulations under the *Smoke-Free Ontario Act, 2017* and regulations in respect of places of use under the *Cannabis Act, 2017*. If the regulations align with the current proposals, there would be local implications, which OPH will be monitoring:

- Boards of Health will be responsible to regulate specialty vape shops. In Ottawa, there are approximately 30 vape shops, which will be required to register with the Board of Health.
- Enforcing prohibitions on tobacco, e-cigarette and medical cannabis use within nine meters surrounding restaurants, bar patios and in a public area within 20 meters of a school. In Ottawa, through an agreement between OPH and By-Law and Regulatory Services, designated Tobacco Enforcement Officers (TEOs) enforce the *SFOA*.

To this effect, OPH is continuing discussions with municipal partners to assess implications of implementation of the provincial regulations at a local level. OPH will continue to monitor developments, emerging evidence and future federal and provincial consultations.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

OPH staff consulted with community partners in developing the recommendations put forth in response to the provincial regulations. Local partners included Ottawa Community Housing, Hospice Care Ottawa and the Ottawa Council for Smoking or Health as well as other health units through the Ontario Public Health Unit Collaborative on Cannabis.

OPH will continue to consider input from partners when responding to future federal and provincial consultations on regulating cannabis.

LEGAL IMPLICATIONS

There are no legal impediments to the Board of Health approving this report's recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This report supports the City Council priority with respect to Health and Caring Communities. It also supported the Ottawa Public of Health Strategic Priority with respect to Advancing Healthy Public Policy.

SUPPORTING DOCUMENTATION

Document 1 – Acting MOH Submission to SFOA 2017 Consultation

Document 2 – Acting MOH Response to Place of Use Consultation

DISPOSITION

This report is presented to the Board for approval of the recommendations outlined in the supporting documents. Staff will continue to monitor any proposed legislation, regulations and emerging evidence related to the legalization of cannabis and report to the Board of Health as needed.

ⁱ McInnis O, Plecas D. Clearing the smoke on cannabis: Respiratory effects of cannabis smoking - An update. Canadian Centre on Substance Abuse. 2016. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Use-Respiratory-Effects-Report-2016-en.pdf>. [Accessed: 18th July 2017].

ⁱⁱ Repp KK, Raich AL. Marijuana and health: A comprehensive review of 20 years of research. Washington County Oregon Department of Health and Human Services. Hillsboro, OR: Washington County. 2014. Available from: http://learnaboutmarijuanawa.org/Reports/Marijuana_review_ReppRaich_Oct2014.pdf

ⁱⁱⁱ Moir D, Rickert WS, Levasseur G, Larose Y, Maertens R, White P, Desjardins S. A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions. *Chem Res Toxicol*. 2008;21(2): 494-502. doi: 10.1021/tx700275p

^{iv} Smoke-Free Ontario Scientific Advisory Committee, Ontario Agency for Health Protection and Promotion (Public Health Ontario). Evidence to guide action: Comprehensive tobacco control in Ontario (2016). Toronto, ON: Queen's Printer for Ontario; 2017

^v National Academies of Sciences, Engineering, and Medicine. 2018. Public health consequences of e-cigarettes. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/24952>.

^{vi} Smoke-Free Ontario Scientific Advisory Committee, Ontario Agency for Health Protection and Promotion (Public Health Ontario). Evidence to guide action: Comprehensive tobacco control in Ontario (2016). Toronto, ON: Queen's Printer for Ontario; 2017

^{vii} Benedikt Fischer et al. "Lower-Risk Cannabis Use Guidelines: A Comprehensive Update of Evidence and Recommendations", *American Journal of Public Health* 107, no. 8 (August 1, 2017): pp. e1-e12.