

February 28, 2018

Ministry of the Attorney General
Legalization of Cannabis Secretariat
720 Bay Street, 5th Floor
Toronto, ON M7A 2S9
Email: cannabis@ontario.ca

Dear Sir or Madam:

Re: Recommendations for the Proposed Places of Use of Cannabis under the Cannabis Act, 2017

We are submitting recommendations on behalf of the members of the Ottawa Council on Smoking or Health (OCSH). The OCSH is a volunteer organization that was established in 1978. Our goals are to: create a social environment where non-smoking is the norm; to assist in establishing smoke-free environments; to prevent youth from starting to smoke; to encourage smokers to quit; and to advocate for better smoking cessation resources.

Places of Use for Medical Cannabis
<p>It is proposed to prohibit medical cannabis users from using medical cannabis while driving or having care or control of a vehicle or boat, whether or not it is in motion. Medical cannabis users would still be permitted to consume cannabis if they are a passenger in a vehicle or boat, provided the cannabis is not smoked or vaped.</p> <p>It is proposed to exempt medical cannabis users from the prohibition on transporting cannabis under the following conditions:</p> <ul style="list-style-type: none">• The cannabis was obtained in accordance with applicable federal law respecting medical cannabis• The person transporting the cannabis is a medical user• The cannabis is not readily available to the driver or operator of the vehicle or boat <p><u>OCSH's Recommendations:</u></p> <ul style="list-style-type: none">• The OCSH agrees that people should be prohibited from consuming medical cannabis while driving or having care or control of a vehicle or boat.• The OCSH also agrees that passengers should be prohibited from smoking or vaping medical cannabis while driving or having control or care of a vehicle or boat.

Clarification of Places of Use Rules for Recreational Cannabis

It is proposed to prescribe the following places as additional places where recreational cannabis **cannot** be used for greater certainty without limiting the generality of the places of use rules and to ensure alignment with the *Smoke-Free Ontario Act, 2017*, where appropriate:

- A school within the meaning of the *Education Act*.
- A building or the grounds surrounding the building of a private school within the meaning of the *Education Act*, where the private school is the only occupant of the premises, or the grounds annexed to a private school, where the private school is not the only occupant of the premises.
- A child care centre within the meaning of the *Child Care and Early Years Act, 2014*.
- A place where an early years program or service is provided within the meaning of the *Child Care and Early Years Act, 2014*.

It is also proposed to restrict the smoking or vaping of recreational cannabis in any indoor or outdoor common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas. This is consistent with our safe and sensible approach to cannabis legalization and with the public health intent of the *Smoke-Free Ontario Act, 2017* to protect youth and young adults from exposure to smoke and vape. The use of other forms of recreational cannabis would not be restricted in these areas.

OCSH's Recommendations:

- The OCSH agrees that the use of recreational cannabis should be prohibited in schools, in a building or on the grounds surrounding the building of a private school; in child care centres; and in places where early years programs or services are provided.
- The OCSH recommends that the province of Ontario expand the definition of "school within the meaning of the *Education Act*" to include post-secondary institutions (i.e., colleges and universities) due to the health risks that second-hand smoke poses to all students of all ages.
- The OCSH recommends **prohibiting the smoking or vaping of recreational and medical cannabis** in any indoor or outdoor common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas.
- The OCSH recommends making all **common outdoor areas** in the locations listed in the point above (including balconies, yards, fresh air intakes, and entranceways) 100% smoke-free and vape-free.
- The OCSH strongly recommends **prohibiting the smoking or vaping of recreational and medical cannabis inside all multi-unit housing**. Exposure to second-hand tobacco and cannabis smoke is the number one complaint that the OCSH has received for many years. We continually receive complaints from families with young, asthmatic children and from seniors with multiple chronic health conditions (including heart disease, lung disease, and cancer). Just as there is no ventilation system that can adequately remove the toxins from second-hand smoke inside public places and workplaces, there is no ventilation system that can protect apartment and condominium dwellers from second-hand smoke. Shared air is

shared air, regardless of whether it is inside a public place, a workplace, or an apartment or condominium unit. **There is no safe level of exposure to second-hand smoke.**¹

Tobacco use is the leading cause of disease, disability, and death in our community, in Ontario, and across Canada. The Ontario government has an opportunity to finally address this ongoing public health crisis which affects millions of Ontario residents every day.²

Exemption for Hotel, Motel and Inn Rooms

It is proposed to permit registered guests or invited guests of registered guests to use recreational cannabis in a hotel, motel or inn room, provided the room is primarily designated as sleeping accommodation and the cannabis is not being smoked or vaped.

The smoking or vaping of cannabis would only be permitted in designated smoking rooms to align with the Smoke-Free Ontario Act, 2017.

OCSH's Recommendations:

- The OCSH does not support allowing the use of recreational cannabis in hotels, motels, or inns. The OCSH opposes designated smoking rooms in hotels, motels and inns, and **strongly recommends that all forms of smoking and vaping be prohibited in all hotels, motels and inns, as these are workplaces.** The province of Ontario has an opportunity now to close this significant gap in the *Smoke-Free Ontario Act, 2017*. While the province has protected the public and workers in other workplaces for the past 12 years, the public and hospitality workers continue to be exposed to both second-hand and third-hand smoke in these workplaces. Heather Crowe advocated for 100% smoke-free laws to protect **all hospitality workers.** Why is the Ontario Ministry of Health and Long-Term Care presenting the Heather Crowe Smoke-Free Ontario Award³ to individuals and organizations for their work in protecting workers and the public from second-hand smoke, while at the same time forcing hospitality workers to inhale cancer-causing second-hand smoke? Heather Crowe died from lung cancer caused by years of exposure to second-hand smoke at work.

Exemptions for Workplaces in Private Residences

It is proposed to exempt most private residences that are also workplaces from the prohibition on consuming cannabis in workplaces. The proposed exemptions are similar to the consumption rules respecting smoking, e-cigarettes and medical cannabis in the *Smoke-Free Ontario Act, 2017*.

It is proposed to permit the smoking or vaping of recreational cannabis in the following places under the same conditions in which tobacco can be smoked:

- Long-term care homes within the meaning of the Long-Term Care Homes Act, 2017.
- A residential facility that is operated as a retirement home and that provides care, in addition to accommodation, to the residents of the home.
- A supportive housing residence funded or administered through the Ministry of Health and Long-Term Care or the Ministry of Community and Social Services.

- Homes for special care licensed under the *Homes for Special Care Act*.
- Psychiatric facilities formerly designated under the now repealed *Mental Hospitals Act*.
- Specific veterans' facilities: the Parkwood Hospital site of St. Joseph's Health Care London, and the Kilgour wing (K wing) and the George Hees wing (L wing) of the Sunnybrook and Women's College Health Sciences Centre.

Consistent with the approach under the Smoke-Free Ontario Act, 2017, and regulations proposed under that Act, the smoking or vaping of recreational cannabis would only be permitted in the abovementioned facilities under the same conditions in which tobacco smoking, the use of e-cigarettes and the smoking or vaping of medical cannabis is permitted.

The consumption of other forms or recreational cannabis would not be prohibited.

It is proposed to prohibit the smoking and vaping of recreational cannabis in places where home child care is provided whether or not children are present. Other forms of recreational cannabis would not be prohibited in these places as long as children are not present when the cannabis is being used.

OCSH's Recommendations:

- The OCSH does not support recreational cannabis smoking or vaping in any of the above listed facilities, as these are both public places and workplaces that provide health care to the most vulnerable individuals in our community who require the greatest level of protection from all forms of second-hand and third-hand smoke and from second-hand and third-hand vapour. The OCSH urges the province of Ontario to require all of these facilities to be 100% smoke-free and vape-free as soon as possible.

Designated Areas in Multi-Unit Dwellings and Consumption Lounges

The Ministry of the Attorney General is considering the following proposals for possible implementation post-legalization:

- Permitting licensed cannabis consumption lounges; and
- Permitting owners or operators of multi-unit dwellings to designate outdoor areas for the consumption of recreational cannabis.

OCSH's Recommendations:

- The OCSH urges the province of Ontario to **prohibit consumption lounges where cannabis can be smoked or vaped, just as the province has prohibited designated smoking rooms for tobacco smoking**. The OCSH was very pleased to hear City of Ottawa Mayor Jim Watson recently tell the media that he does not want vaping lounges to open in the City of Ottawa.⁴ The OCSH publicly thanked Mayor Watson for supporting this position:



SmokeFreeOttawa @SmokeFreeOttawa · Jan 24

Thanks @JimWatsonOttawa for supporting smoke-free public places and work places. #PublicHealth

SmokeFreeOttawa @SmokeFreeOttawa

Mayor Jim Watson says he won't support cannabis lounges in Ottawa when pot becomes legal ottawacitizen.com/news/local-new... #secondhandsmoke #NNSW2018 #smoking #tobacco #cannabis #lungdisease #cleanair



- The OCSH **does not support permitting owners or operators of multi-unit dwellings to designate outdoor areas for the consumption of recreational cannabis**. The OCSH continues to receive complaints from individuals and families who live in multi-unit dwellings and who are affected by second-hand tobacco and cannabis smoke that drifts into their units from outdoor areas. We receive complaints every week from individuals who have young, asthmatic children and from individuals who have chronic health conditions, including COPD, heart disease, and cancer. Based on the complaints that the OCSH has received from the public during the past 10 years, the OCSH strongly urges the province of Ontario to **make all common outdoor areas, including balconies, yards, fresh air intakes, and entranceways, 100% smoke-free and vape-free**.

We are interested in any other comments or suggestions you wish to make.

The OCSH continues to advocate for “gold standard” legislation, similar to the “gold standard” smoke-free bylaws for indoor public places and workplaces that were adopted by the City of Ottawa in 2001. These bylaws served as a model for other communities across Ontario, and later, for the *Smoke-Free Ontario Act, 2006*. The public, workers and tenants should not have to accommodate cannabis smokers. **The OCSH strongly recommends that the province of Ontario prohibit recreational and medical cannabis smoking and vaping in all indoor and outdoor public places, workplaces and multi-unit dwellings due to the toxicity of second-hand marijuana smoke:**

- Marijuana smoke contains **33 of the same carcinogens** that are in tobacco smoke.⁵
- ***“The inhalation of smoke is harmful to lung health as the combustion of materials releases toxins and carcinogens. These are released regardless of the source—whether it is burning wood, tobacco or marijuana.”***⁶
- Health Canada warns that many of the harmful chemicals found in tobacco smoke are also found in marijuana smoke,⁷ some of which are at even higher concentrations.⁸
- A recent survey of City of Ottawa residents found that “86% of those who had not use

cannabis in the past 12 months said they would be unlikely to consume following legalization.”⁹ Therefore, the province of Ontario should take all necessary measures to help prevent non-users from smoking or vaping cannabis products.

Thank you for considering our recommendations.

Sincerely,

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Carmela Graziani, Secretary
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www.smokefreeottawa.com

REFERENCES

OCSH Letter, Ontario Public Consultation, Proposed Places of Use of Cannabis, February 28, 2018, Page 6/6

¹ Health Canada. Second-Hand Smoke. Accessed February 22, 2018.

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² Ipsos Reid. News Release. Ontario's Multi-Unit Dwellings And Second Hand Smoke. Almost Half (46%) Affected By Drifting Second Hand Smoke and A Majority (64%) of Residents Prefer Smoke-Free Buildings If Given Choice. March 26, 2007.

<https://www.ipsos.com/en-ca/ontarios-multi-unit-dwellings-and-second-hand-smoke>

³ Ontario Ministry of Health and Long-Term Care. Backgrounder. Recipients of Heather Crowe Smoke-Free Ontario Award. May 31, 2016

<https://news.ontario.ca/mohltc/en/2016/05/recipients-of-heather-crowe-smoke-free-ontario-award.html>

⁴ Jacquie Miller. The Ottawa Citizen. "Mayor Jim Watson says he won't support cannabis lounges in Ottawa when pot becomes legal." January 23, 2018.

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<https://oehha.ca.gov/media/downloads/proposition-65/chemicals/finalmismokehid.pdf>

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⁷ Health Canada. Consumer Information - Cannabis (Marihuana, marijuana).

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⁹ Ottawa Public Health. Overview of Ottawa Public Health's Randomized-Telephone Survey Results. Presented to the Ottawa Board of Health. February 5, 2018.

<http://www.ottawapublichealth.ca/en/public-health-services/agendas-and-minutes.aspx>