



## RESOLUTION 2019-03

### Funding and Amendments to the Cannabis and Cannabis for Medical Purposes Legislation

---

#### Preamble:

In October 2017, the Government of Canada enacted Bill C-45 the Cannabis Act and Bill C-46 the Impaired Driving Act to legalize cannabis under prescribed circumstances and to modernize impaired driving laws. The Ontario Cannabis Legalization Implementation Fund provides \$40 million over two years to fund municipalities as compensation for cannabis-related costs including public safety, public health and bylaw.

**WHEREAS** police services across Ontario have incurred costs to train Officers on the Cannabis Act, 2017 and the *Ontario Cannabis Control Act, 2017*, which includes the investigation of possession and plant possession with respect to factors including medical versus recreational, the subject's age, location, quantity, budding versus flowering plants, the number of plants while differentiating between sometimes conflicting federal and provincial regulation; and:

**WHEREAS** police services have incurred costs to train Officers to identify and investigate drug-impaired driving including standardized field sobriety training and drug recognition expert training. The enforcement and equipment challenges include amendments to impaired investigations, blood demand for per se limits and impairment charges, edibles, including the implementation of approved drug screening equipment; and:

**WHEREAS** on November 20, 2018, the provincial government amended the Ontario Cannabis Legalization Implementation Fund to provide a financial incentive to municipalities who opt-into retail stores, despite that public safety costs such as drug-impaired driving have little, if any, correlation to the presence of a retail store; and:

**WHEREAS** the Ministry of the Solicitor General has reimbursed the cost of police supplies and instructor costs that represent approximately twenty percent of the overall cannabis related training costs. The large majority of costs for trainee Officer time were not reimbursed and incurred by the local taxpayer; and:

**WHEREAS** the Framework for the Legalization and Regulation of Cannabis in Canada included policy objectives to: protect young Canadians by keeping cannabis out of the hands of children and youth; and, keep profits out of the hands of criminals, particularly organized crime. Police services have yet to see evidence of reduced cannabis usage among youth, or a reduction to the involvement of organized criminal groups in the trade of illegal drugs; and:

**WHEREAS** there has been a number of federal medical cannabis frameworks including the Marihuana Medical Access Regulations, 2001 repealed in 2014, the Marihuana Medical Purpose Regulations, 2013 impacted by the Allard decision and the Access to Cannabis for Medical Purposes Regulation (ACMPR), 2016; and:

**WHEREAS** under the *Cannabis Act* in Ontario, residents are allowed to produce up to four plants per household and allowed to purchase cannabis from storefront or on-line retail outlets and for medical cannabis from ACMPR Part One producers; and:

**WHEREAS** police services are challenged by an infiltration of criminal activity using loopholes within the ACMPR Part Two licenses due to:

- a. Regulations allowing a pooling of licenses;
- b. Grandfathering of medical licenses from repealed regulations without review or screening;
- c. A lack of: inspection or monitoring of license holders or locations; disclosure to law enforcement without a court order; monitoring or regulation of doctor's prescriptions; and, verification process of applicant information and background checks; and:

**WHEREAS**, the Rocky Mountain High Intensity Drug Trafficking Area has reported a 228 percent increase in traffic deaths related to marijuana when an operator tested positive for marijuana between 2013 and 2017, informed by a requirement for toxicology of drivers involved in a motor vehicle collision causing death or bodily harm; and:

**WHEREAS** on June 13, 2018, the Ontario Association of Chiefs of Police (OACP) adopted the *Costs to Municipal Police Services of Legislated Reforms* resolution (#2018-06) that called on the Government of Canada and Government of Ontario to consult and determine costs associated with legislated reform and to establish a funding formula for reforms impacting municipal policing.

**THEREFORE, BE IT RESOLVED**, that the OACP again calls on the Government of Canada and the Government of Ontario to fund municipalities the full costs to implement the cannabis and medical cannabis legislation at approximately \$6.50 per capita and to remove policy-based reductions to municipal funding allocations.

**BE IT FURTHER RESOLVED**, that the OACP calls on the Government of Canada to repeal ACMPR Part Two licenses.

**BE IT FURTHER RESOLVED** that the OACP calls on the Government of Canada and the Government of Ontario to prohibit cannabis plants in households where children and youth reside.

**BE IT FURTHER RESOLVED** that the OACP calls on the Government of Canada and the Government of Ontario to mandate toxicology for drivers involved in motor vehicle collisions causing death or serious bodily harm.

