

Ministry of Education

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Memorandum to: Directors of Education
Supervisory Officers and Secretary-Treasurers of School
Authorities
Executive Director of Provincial and Demonstration
Schools

From: Denise Dwyer
Assistant Deputy Minister
Indigenous Education and Well-Being Division

Date: February 13, 2018

Subject ***Smoke-Free Ontario Act and Proposed Regulations:
Implications for Schools and School Boards***

I am writing to provide you with an update on the new [Smoke-Free Ontario Act, 2017](#) (SFOA, 2017) that will have implications for school boards and schools across Ontario.

On December 12, 2017, the *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017* (Bill 174) passed and received Royal Assent.

The SFOA, 2017 will come into force on a day to be proclaimed by the Lieutenant Governor. When it comes into force, the SFOA, 2017 will repeal the existing *Smoke-Free Ontario Act* (SFOA) and the *Electronic Cigarettes Act, 2015* (ECA) and replace them with a single legislative framework.

The SFOA, 2017 and its proposed regulations responds to the changing landscape related to tobacco, vapour products and medical cannabis, and to protect the health and well-being of all Ontarians by regulating the sale, supply, use, display, promotion of tobacco and vapour products, and the smoking and vaping of medical cannabis.

Currently, the SFOA prohibits the smoking of tobacco inside and on the grounds of elementary and secondary schools, child care centres, places where home child care is provided (regardless of whether children are present), and places where early years programs or services are provided. The ECA also contains provisions to prohibit the use of an electronic cigarette (including electronic cigarettes containing medical cannabis) in these places; however, these ECA provisions were never proclaimed into force. The new SFOA, 2017 will carry forward these prohibitions on smoking tobacco and vaping in the above named places, and will expand the prohibitions to include the smoking and vaping of medical cannabis as well.

Additionally, the Ministry of Health and Long-Term Care (MOHLTC) has proposed a regulation under the new SFOA, 2017 that, if approved, would prohibit the smoking of tobacco, the use of electronic cigarettes (including electronic cigarettes containing medical cannabis) and the smoking of medical cannabis in the following additional places:

- Public areas within 20 metres from any point on the perimeter of the grounds of a elementary or secondary school; and
- The outdoor grounds and public areas within 20 metres from any point on the perimeter of the outdoor grounds of a children and youth recreational facility.

The MOHLTC has posted a summary of the proposed regulation to support the SFOA, 2017 on Ontario's [Regulatory Registry website](#) for public comment until March 3, 2018. We encourage you to provide feedback on the proposed regulations as it relates to schools.

We understand the new SFOA, 2017 will have implications to school boards and schools who currently allow students and school staff to smoke and/or use electronic cigarettes to vape medical cannabis, obtained under applicable federal law, on school grounds during school/work hours.

The Ministry of Education will continue to work collaboratively with school boards to provide support and clarity in preparation for the proclamation of the SFOA, 2017.

In closing, I am attaching Q&As to assist you in answering questions from educators, parents, students, and other members of the school community.

If you have any additional questions, please do not hesitate to contact Debbie Thompson, Director of Safe and Healthy Schools Branch, at Debbie.Thompson@ontario.ca or (416) 325-7645.

Sincerely,

Original signed by

Denise Dwyer
Assistant Deputy Minister
Indigenous Education and Well-Being Division

c: Council of Ontario Directors of Education
Laura Pisko, Director, Health Protection Policy and Programs Branch, MOHLTC

Attachment: *Smoke-Free Ontario Act, 2017* Questions and Answers

Smoke-Free Ontario Act, 2017 Questions and Answers

Q: When will SFOA, 2017 come into effect?

A: The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) – Schedule 3 to Bill 174 -- received Royal Assent on December 12, 2017. The SFOA, 2017 will come into force on a day to be proclaimed by the Lieutenant Governor. The proclamation date has not yet been named.

Q: What impact will SFOA, 2017 have on elementary and secondary schools?

A: When the SFOA, 2017 comes into force, the smoking of tobacco, the use of electronic cigarettes (including electronic cigarettes containing medical cannabis) and the smoking of medical cannabis will be prohibited on school grounds, child care centres and places where early years programs or services are provided.

A proposed regulation under the SFOA, 2017, if approved, would also prohibit the smoking of tobacco, the use of electronic cigarettes (including electronic cigarettes containing medical cannabis) and the smoking of medical cannabis in the following places:

- Public areas within 20 metres from school grounds
- The outdoor grounds and public areas within 20 metres from the outdoor grounds of a child or youth recreational facility

Q: How does this impact students and school staff who require medical cannabis to manage an illness?

A: The SFOA, 2017 will prohibit the smoking and vaping of medical cannabis on school grounds, and the proposed regulation, if approved, would prohibit the smoking and vaping of medical cannabis within 20 metres from school grounds.

Students and school staff will continue to be able to use medical cannabis on school premises in a non-smoking and non-vaping manner (e.g., cannabis oils, capsules, edibles).

Q: What if the medical cannabis is in the form of an oil or edible?

A: Students and school staff will continue to be able to use medical cannabis on school premises in a non-smoking and non-vaping manner (e.g., cannabis oils, capsules, edibles).

Q: What if the medical cannabis prescription is in the form that is smoked or vaped (e.g., dried cannabis)?

A: When the SFOA, 2017 comes into force, the smoking and vaping of medical cannabis will be prohibited on school premises. Students and school staff will continue to be able to use medical cannabis on school premises in a non-smoking and non-vaping manner (e.g., cannabis oils, capsules).

Q: Is there a minimum age for youth to access medical cannabis?

A: There is no minimum age to access medical cannabis. Individuals may obtain medical cannabis in accordance with the [Access to Cannabis for Medical Purposes Regulations](#) made under the *Controlled Drugs and Substances Act* (Canada).

Q: How does the SFOA, 2017 and proposed regulation impact PPM 81 - Provision of Health Support Services in School Settings?

A: Ontario's school boards are independent entities and are responsible for developing their own policies and procedures, including those pertaining to the administration/storage of medications in schools. These policies and procedures are based on the local needs of the school board student population, and where applicable, guided by [Policy/Program Memorandum 81- Provision of Health Support Services in School Settings](#).

PPM 81 remains applicable for the storage of medical cannabis and the administration of medical cannabis in a non-smoking and non-vaping manner since the smoking and vaping of medical cannabis will be prohibited on school premises under the SFOA, 2017.

Q: What is the rationale for the proposed 20 metres distance regulation?

A: The government is strengthening smoking and vaping laws to protect people from second-hand smoke and vapour regardless of whether it's from tobacco, electronic cigarettes or medical cannabis.

The MOHLTC's proposal to prohibit the smoking of tobacco, the use of electronic cigarettes (including electronic cigarettes containing medical cannabis) and the smoking of medical cannabis within 20 metres from schools aligns with the government's intention of protecting people from second-hand smoke and vapour, in particular, children, youth and young adults.

Q: Do the new restrictions apply to the use of tobacco for traditional Indigenous cultural and spiritual purposes?

A: No. The SFOA, 2017 includes an exemption for the use of tobacco for traditional Indigenous cultural and spiritual purposes.

Q: Where can I find more information on medical cannabis?

A: Information on federally regulated medical cannabis can be found on the Government of Canada website: <https://www.canada.ca/en/health-canada/topics/accessing-cannabis-for-medical-purposes.html>

Q. How and when will the government inform schools and daycares of the new SFOA, 2017 and its proposed regulation?

A: MOHLTC will provide a news release to the public when the SFOA, 2017 and any regulation come into force. The ministry will work with public health partners and inter-ministerial partners to ensure impacted sectors are informed of the new legislative and regulatory changes, as appropriate. The Ministry of Education will continue to work collaboratively with school boards to provide support and clarity in preparation for the proclamation of the SFOA, 2017.

Q. For those students with medical cannabis, how will the medical cannabis be stored while on school property/during school hours, to ensure controlled access and the safety of other students?

A: Ontario's school boards are independent entities and are responsible for developing their own policies and procedures, including those pertaining to the administration/storage of medications in schools. These policies and procedures are based on the local needs of the school board student population, and where applicable, guided by [Policy/Program Memorandum 81- Provision of Health Support Services in School Settings](#).