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# Bill 146

*(Chapter 21 of the Statutes of Ontario, 2023)*

**An Act to implement Budget measures and to enact and amend various statutes**

**The Hon. P. Bethlenfalvy**  
Minister of Finance

|              |                   |
|--------------|-------------------|
| 1st Reading  | November 2, 2023  |
| 2nd Reading  | November 16, 2023 |
| 3rd Reading  | November 29, 2023 |
| Royal Assent | December 4, 2023  |





## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 146 and does not form part of the law. Bill 146 has been enacted as Chapter 21 of the Statutes of Ontario, 2023.*

### SCHEDULE 1 COMMODITY FUTURES ACT

The Schedule amends the *Commodity Futures Act*. Here are some highlights:

Part XII.1 of the Act, which governs protection from reprisals, is re-enacted. The new Part XXI.2 (Whistle-blowing and Protection from Reprisals) establishes protection from disclosure under the *Freedom of Information and Protection of Privacy Act* of information identifying individuals who make a whistle-blower submission. Prohibitions against reprisal are set out. A consequential amendment is made to subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* to make the new whistle-blower confidentiality provisions prevail over that Act.

Section 60 of the Act is amended to allow the Capital Markets Tribunal to make orders without a hearing in circumstances where a person or company has been convicted in any jurisdiction in relation to contraventions of the jurisdiction's laws respecting commodities or contracts. These orders can also be made if the person or company is subject to an order made by certain authorities responsible for the regulation of commodities or contracts in other jurisdictions, or by recognized self-regulatory organizations or exchanges in Canada, or if the person or company has made an agreement with such an entity to be subject to sanctions, conditions, restrictions or requirements.

Sections 60.0.1 and 60.0.2 are added to the Act to provide for the automatic application in Ontario of certain orders and settlement agreements made by authorities responsible for the regulation of commodities or contracts in Canada. Related amendments are made to the offence provisions in section 55 and the rule-making provisions in section 65.

Section 60.2 of the Act is amended to provide that certain disgorged amounts under court orders shall be paid to the Commission. New section 60.2.1 of the Act sets out the rules governing the distribution of money received under disgorgement orders made under the Act. The Commission is given the authority to make rules governing disgorged amounts.

Section 64 of the Act, which governs immunity is re-enacted. The new section 64 provides immunity for persons or companies for acts or omissions done or omitted in compliance with Ontario commodity futures law and for certain disclosures of information related to an offence or to a contravention of Ontario commodity futures law or a review, investigation, examination or inspection.

Technical and consequential changes are made to the Act.

### SCHEDULE 2 CONSTRUCTION ACT

Subsections 85.1 (4) and (5) of the *Construction Act* are amended to provide that coverage limit and other requirements that labour and material payment bonds and performance bonds furnished for the purposes of the section must meet may be specified by the regulations. A consequential amendment is made to subsection 1.1 (4) of the Act.

### SCHEDULE 3 FUEL TAX ACT

Subsection 2 (1.1) of the *Fuel Tax Act* currently provides for a reduction of the tax payable by purchasers of clear fuel if the tax is payable during the period beginning on July 1, 2022 and ending on December 31, 2023. The subsection is amended to provide that the period ends on June 30, 2024.

### SCHEDULE 4 GASOLINE TAX ACT

The *Gasoline Tax Act* is amended to include a definition of "alternative fuel" in subsection 1 (1). The definition of "qualified motor vehicle" in subsection 1 (1) is amended to include vehicles powered by an alternative fuel and the definition of "fuel" for the purposes of section 34 is amended to include alternative fuels.

Subsection 2 (1.1) of the Act currently provides for a reduction of the tax payable by purchasers of gasoline if the tax is payable during the period beginning on July 1, 2022 and ending on December 31, 2023. The subsection is amended to provide that the period ends on June 30, 2024.

Section 16 of the Act, which governs audits and inspections, is amended to provide that certain powers under that section may be exercised in relation to compliance with interjurisdictional agreements entered into under the Act.

### SCHEDULE 5 INTERIM APPROPRIATION FOR 2024-2025 ACT, 2023

The Schedule enacts the *Interim Appropriation for 2024-2025 Act, 2023*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2025 up to specified maximum amounts. All expenditures made or recognized

under the Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2025.

**SCHEDULE 6  
INVESTMENT MANAGEMENT CORPORATION OF ONTARIO ACT, 2015**

The *Investment Management Corporation of Ontario Act, 2015* is amended to provide that municipal Investment Boards and Joint Investment Boards are eligible to be members of the Corporation.

**SCHEDULE 7  
MINISTRY OF REVENUE ACT**

The Schedule amends the *Ministry of Revenue Act*. The Minister is required to provide certified copies of notices of calculation given under the *Family Law Act* on request to parents, the designated authority or the Central Authority. A similar amendment is made with respect to the child support recalculations.

**SCHEDULE 8  
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT**

Currently, when a borrower is in default of their obligation to repay a student loan or medical resident loan, the *Ministry of Training, Colleges and Universities Act* requires that notice be provided to the borrower setting out certain information, and provides that the borrower may require the Minister to review the notice. The Act is amended to remove the notice and review requirements and to make related and consequential amendments.

**SCHEDULE 9  
OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, 2019**

The Schedule makes various amendments to the *Opioid Damages and Health Care Costs Recovery Act, 2019*, including the following:

1. The definition of “manufacturer” in subsection 1 (1) is amended so that the Act also applies to persons who manufacture or have manufactured active ingredients. Subsection 1 (1) is further amended to define “active ingredient” as an active ingredient set out in Schedule 1 to the Act or any other active ingredients prescribed by the regulations made under the Act. Other consequential amendments are made to reflect this amendment.
2. Subsection 2 (1) is amended to extend the scope of liability under the Act to consultants. Subsection 1 (1) is consequentially amended to define “consultant” as a person who provides advisory services to wholesalers or manufacturers. Both the definition of “opioid-related wrong” in subsection 1 (1) and section 4 (joint and several liability) are re-enacted to reflect this amendment.
3. A new section 2.1 is added to give the Crown in right of Canada a statutory cause of action against a manufacturer, wholesaler or consultant to recover the cost of health care benefits incurred in Ontario that were caused or contributed to by an opioid-related wrong. The definitions of “health care benefits” and “cost of health care benefits” in subsection 1 (1) are re-enacted to reflect that statutory cause of action. Other consequential amendments are made to reflect this amendment.
4. A new section 4.1 is added to provide that a director or officer of a corporation who directs, authorizes, assents to, acquiesces in or participates in an opioid-related wrong committed by the corporation is jointly and severally liable with it.

**SCHEDULE 10  
SECURITIES ACT**

The Schedule amends the *Securities Act*. Here are some highlights:

Section 53 of the Act currently prohibits trading in securities unless a preliminary prospectus and a prospectus have been filed and receipts have been issued for them by the Director. The Schedule amends section 53 to provide that regulations may prescribe circumstances in which a receipt for a preliminary prospectus or a prospectus is deemed to be issued by the Director.

Part XXI.2 of the Act, which governs protection from reprisals, is re-enacted. The new Part XXI.2 (Whistle-blowing and Protection from Reprisals) establishes protection from disclosure under the *Freedom of Information and Protection of Privacy Act* of information identifying individuals who make a whistle-blower submission. Prohibitions against reprisal are set out. A consequential amendment is made to subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* to make the new whistle-blower confidentiality provisions prevail over that Act.

Section 127 of the Act is amended to allow the Capital Markets Tribunal to make orders without a hearing in circumstances where a person or company has been convicted in any jurisdiction in relation to contraventions of the jurisdiction’s laws respecting securities or derivatives. These orders can also be made if the person or company is subject to an order made by certain authorities responsible for the regulation of securities or derivatives in other jurisdictions, or by recognized self-regulatory organizations or exchanges in Canada, or if the person or company has made an agreement with such an entity to be subject to sanctions, conditions, restrictions or requirements.

Sections 127.0.1 and 127.0.2 are added to the Act to provide for the automatic application in Ontario of certain orders and settlement agreements made by authorities responsible for the regulation of securities or derivatives in Canada. Related amendments are made to the offence provisions in section 122 and the rule-making provisions in section 143.

Section 128 of the Act is amended to provide that certain disgorged amounts under court orders shall be paid to the Commission. New section 128.1 of the Act sets out the rules governing the distribution of money received under disgorgement orders made under the Act. The Commission is given the authority to make rules governing disgorged amounts.

Section 141 of the Act, which governs immunity is re-enacted. The new section 141 provides immunity for persons or companies for acts or omissions done or omitted in compliance with Ontario securities law and for certain disclosures of information related to an offence or to a contravention of Ontario securities law or a review, investigation, examination or inspection.

Technical and consequential changes are made to the Act.

**SCHEDULE 11  
SECURITIES COMMISSION ACT, 2021**

Section 19 of the *Securities Commission Act, 2021*, which sets out rules governing the Commission's income, is amended to provide that certain money received by the Commission in respect of disgorgement orders is not required to be paid into the Consolidated Revenue Fund. Sections 33 and 34 of the Act, which govern immunity and non-compellability, are amended to include references to agents of the Commission.

**SCHEDULE 12  
SUPPLEMENTARY INTERIM APPROPRIATION FOR 2023-2024 ACT, 2023**

The Schedule enacts the *Supplementary Interim Appropriation for 2023-2024 Act, 2023*, which authorizes expenditures pending the voting of supply for the fiscal year ending on March 31, 2024 up to specified maximum amounts. The expenditures authorized are in addition to those authorized under the *Interim Appropriation for 2023-2024 Act, 2022*. All expenditures made or recognized under the *Interim Appropriation for 2023-2024 Act, 2022* and this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2024.

**SCHEDULE 13  
TAXATION ACT, 2007**

The Schedule makes various amendments to the *Taxation Act, 2007*. Here are some highlights.

Section 15 of the Act currently provides for the carryforward amount in respect of minimum tax to be determined in accordance with the prescribed rules. Section 15 is amended to provide for those rules in the Act. The amendment is made retroactive to January 1, 2009.

Section 24 of the Act is amended to add split income to the tax base for the calculation of the Ontario Health Premium for taxation years ending after December 31, 2023.

Section 103 of the Act is amended to harmonize Ontario's focused flow-through share tax credit with amendments made in 2022 to the *Income Tax Act (Canada)* with respect to flow-through shares. The amendments to section 103 of the *Taxation Act, 2007* are made retroactive to January 1, 2023.

Amendments are made to the French version of the Act for internal consistency and to align with the English version of the Act.

**SCHEDULE 14  
VAPING PRODUCT TAXATION COORDINATION ACT, 2023**

The Schedule enacts the *Vaping Product Taxation Coordination Act, 2023*. The Act provides for the ratification of the Coordinated Vaping Product Taxation Agreement entered into by the Minister of Finance on behalf of Ontario and the Minister of Finance for Canada on behalf of the Government of Canada. The Minister of Finance is authorized to make payments from the Consolidated Revenue Fund in accordance with the Coordinated Vaping Product Taxation Agreement from amounts appropriated by the Legislature for those purposes.



**An Act to implement Budget measures and to enact and amend various statutes**

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His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Building a Strong Ontario Together Act (Budget Measures), 2023*.**

**SCHEDULE 1  
COMMODITY FUTURES ACT**

**1 Subsection 6 (1) of the *Commodity Futures Act* is amended by striking out “final decision of the Tribunal may appeal” and substituting “final decision of the Tribunal, other than a decision under section 60.0.1 or 60.0.2, may appeal”.**

**2 Part XII.1 of the Act is repealed and the following substituted:**

**PART XII.1  
WHISTLE-BLOWING AND PROTECTION FROM REPRISALS**

**Whistle-blower submissions — *Freedom of Information and Protection of Privacy Act***

**54.1** (1) This section applies if, for the purpose of making a whistle-blower submission, an individual provides information to the Commission in a form made available by the Commission for that purpose.

**No disclosure**

(2) The Commission shall not disclose, in response to a request for access under the *Freedom of Information and Protection of Privacy Act*, the identity of the individual, or any information or record that may reasonably be expected to reveal the identity of the individual, as the source of information that has been provided to the Commission.

**Same**

(3) Subsection (2) applies with respect to information provided to the Commission before, on or after the day section 2 of Schedule 1 to the *Building a Strong Ontario Together Act (Budget Measures), 2023* comes into force.

**No reprisals**

**54.2** (1) In this section,

“specified individual”, in relation to a person or company, means,

- (a) an employee, officer or director of the person or company,
- (b) an individual who provides services to the person or company under a contract, other than an employment contract, between the individual and the person or company, or
- (c) an individual who is an incorporated employee of a personal services business within the meaning of subsection 125 (7) of the *Income Tax Act* (Canada) and who provides services to the person or company under a contract between the personal services business and the person or company.

**Prohibition on taking reprisal**

(2) No person or company, or other person or company acting on behalf of the person or company, shall take a reprisal against a specified individual because the specified individual has,

- (a) sought advice about providing information, expressed an intention to provide information, or provided information to the person or company, the Commission, a recognized self-regulatory organization or a law enforcement agency, or a person or company acting under the authority of the Commission, of a recognized self-regulatory organization or of a law enforcement agency, about an act of the person or company, or of a person or company acting on behalf of the person or company, that has occurred, is ongoing or is about to occur, and that the specified individual reasonably believes is contrary to Ontario commodity futures law or a by-law or other regulatory instrument of a recognized self-regulatory organization; or
- (b) in relation to information provided under clause (a), co-operated, testified or otherwise assisted, or expressed an intention to co-operate, testify or otherwise assist in,
  - (i) a review, investigation, examination or inspection authorized by the Commission, by a recognized self-regulatory organization or by a law enforcement agency, or
  - (ii) a proceeding under this Act, a proceeding of a recognized self-regulatory organization or a judicial proceeding.

**Same**

(3) For the purposes of subsection (2), a reprisal includes, without limitation,

- (a) terminating or threatening to terminate the specified individual’s employment, contract, position or office;
- (b) demoting, disciplining or suspending, or threatening to demote, discipline or suspend, the specified individual from their employment, position or office;
- (c) imposing or threatening to impose a penalty, or withholding or threatening to withhold a benefit, related to the specified individual’s employment, contract, position or office;
- (d) intimidating or coercing a specified individual in relation to their employment, contract, position or office; or



- (e) otherwise detrimentally affecting the specified individual by any act or failure to act, regardless of whether the act or failure to act is related to the specified individual's employment, contract, position or office, if any.

#### **Prohibition re agreements**

(4) A provision in an agreement, including a confidentiality agreement, is void to the extent that it precludes or purports to preclude a specified individual from,

- (a) providing information described in clause (2) (a) to the Commission, a recognized self-regulatory organization or a law enforcement agency; or
- (b) in relation to information provided under clause (2) (a), co-operating, testifying or otherwise assisting, or expressing an intention to co-operate, testify or otherwise assist in,
  - (i) a review, investigation, examination or inspection authorized by the Commission, by a recognized self-regulatory organization or by a law enforcement agency, or
  - (ii) a proceeding under this Act, a proceeding of a recognized self-regulatory organization or a judicial proceeding.

#### **Actions relating to reprisal**

(5) If a specified individual alleges that a person or company, or a person or company acting on behalf of the person or company, has taken a reprisal against them in contravention of subsection (2), the specified individual may, without limiting the steps they may otherwise take,

- (a) in the case where arbitration is provided for under a collective agreement, make a complaint to be dealt with by final and binding settlement by arbitration under the collective agreement; or
- (b) in any other case, either,
  - (i) bring an action in the Superior Court of Justice, or
  - (ii) if arbitration is provided for under an agreement other than a collective agreement, make a complaint to be dealt with by final and binding settlement by arbitration under the agreement.

#### **Burden of proof**

(6) In an arbitration or action under subsection (5), the burden of proof that the person or company did not take a reprisal against a specified individual in contravention of subsection (2) lies on that person or company.

#### **Remedies**

(7) The arbitrator or court may order one or more of the following remedies:

1. Reinstatement of the specified individual to their employment, contract, position or office, with the same seniority status that the specified individual would have had if the reprisal had not been taken.
2. Payment to the specified individual of two times the amount of compensation the specified individual would have been paid in connection with their employment, contract, position or office between the date of the reprisal and the date of the order if the reprisal had not been taken, with interest.
3. Payment to the specified individual of compensation, in the amount the arbitrator or court considers just, having regard to the reprisal to which the complaint or proceeding relates and any loss attributable to it.

#### **3 Section 55 of the Act is amended by adding the following subsection:**

##### **Same, ss. 60.0.1 and 60.0.2**

(2.1) Without limiting the availability of other defences, no person or company is guilty of an offence for failing to comply with subsection 60.0.1 (6) or 60.0.2 (6) if the person or company did not know, and in the exercise of reasonable diligence could not have known, that the act or course of conduct in which the person or company engaged caused the person or company to fail to comply with a sanction, condition, restriction, requirement, order or agreement mentioned in those subsections.

#### **4 (1) Subsection 60 (1.1) of the Act is amended by striking out “the person” and substituting “the person or company”.**

#### **(2) Section 60 of the Act is amended by adding the following subsections:**

##### **No hearing if prior conviction, etc.**

(3.1) Despite subsection (3), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8 of subsection (1) without giving the person or company that is subject to the order an opportunity to be heard:

1. The person or company has been found by a court in any jurisdiction to have contravened the laws of the jurisdiction respecting commodities or contracts.
2. The person or company has been convicted in any jurisdiction of an offence under laws respecting commodities or contracts.

3. The person or company has been convicted in any jurisdiction of an offence arising from a transaction, business or course of conduct related to commodities or contracts.

**No hearing if prior order of certain regulators**

(3.2) Despite subsection (3), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8 of subsection (1) without giving the person or company that is subject to the order an opportunity to be heard:

1. The person or company is subject to an order made by an authority responsible for the regulation of commodities and contracts outside Canada, as defined in subsection (9), imposing sanctions, conditions, restrictions or requirements.
2. The person or company is subject to an order made by an authority responsible for the regulation of commodities and contracts of another province or territory in Canada, as defined in subsection (9), imposing sanctions, conditions, restrictions or requirements.
3. The person or company is subject to an order made by a recognized self-regulatory organization in Canada imposing sanctions, conditions, restrictions or requirements.
4. The person or company is subject to an order made by an exchange in Canada imposing sanctions, conditions, restrictions or requirements.

**No hearing if prior settlement agreement with certain regulators**

(3.3) Despite subsection (3), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8 of subsection (1) without giving the person or company who is subject to the order an opportunity to be heard:

1. The person or company has agreed with an authority responsible for the regulation of commodities and contracts outside Canada, as defined in subsection (9), to be subject to sanctions, conditions, restrictions or requirements.
2. The person or company has agreed with an authority responsible for the regulation of commodities and contracts of another province or territory in Canada, as defined in subsection (9), to be subject to sanctions, conditions, restrictions or requirements.
3. The person or company has agreed with a recognized self-regulatory organization in Canada to be subject to sanctions, conditions, restrictions or requirements.
4. The person or company has agreed with an exchange in Canada to be subject to sanctions, conditions, restrictions or requirements.

**Retrospective application**

(3.4) The Tribunal may make an order under subsections (3.1) to (3.3) even if the circumstances mentioned in those subsections arose before the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* received Royal Assent.

**(3) Subsection 60 (9) of the Act is repealed and the following substituted:**

**Definitions**

(9) In subsections (3.2) and (3.3) and sections 60.0.1 and 60.0.2,

“authority responsible for the regulation of commodities and contracts of another province or territory in Canada” means an authority or other person or body empowered by law to regulate commodities or contracts in, or to administer or enforce the commodity futures laws of, another province or territory in Canada, or any other person or body prescribed by a regulation, but does not include a self-regulatory organization, exchange, clearing house, trade repository, quotation and trade reporting system, auditor oversight body or credit rating organization; (“organisme de réglementation des marchandises et des contrats d’une autre province ou d’un territoire du Canada”)

“authority responsible for the regulation of commodities and contracts outside Canada” means an authority, self-regulatory organization, exchange or other person or body empowered by law to regulate commodities or contracts in, or to administer or enforce the commodity futures laws of, a jurisdiction outside Canada. (“organisme étranger de réglementation des marchandises et des contrats”)

**5 The Act is amended by adding the following sections:**

**Automatic application of certain orders of other provinces and territories**

**60.0.1** (1) This section applies with respect to an order made by an authority responsible for the regulation of commodities and contracts of another province or territory in Canada, as defined in subsection 60 (9), if,

- (a) the order imposes sanctions, conditions, restrictions or requirements on a person or company; and
- (b) the order arose as a result of a finding or an admission of a contravention by the person or company of the laws of that province or territory respecting commodities or contracts, or a finding or an admission of conduct contrary to the public interest.

### **Automatic application in Ontario**

(2) The order made by the authority responsible for the regulation of commodities and contracts of the other province or territory applies in Ontario, without notice to the person or company and without an opportunity to be heard, as if the order were made by the Tribunal with such modifications as the circumstances require, to the extent that the Tribunal or the Commission has the power to impose a similar sanction, condition, restriction or requirement.

### **Public access to orders**

(3) The Commission shall, on its website, provide access to a publicly available source where orders that apply in Ontario under subsection (2) can be found.

### **Application for clarification**

(4) The Chief Executive Officer of the Commission or a person or company directly affected by an order described in subsection (1) may apply to the Tribunal for clarification of the application of subsection (2) in respect of an order described in subsection (1).

### **Same**

(5) After giving the Chief Executive Officer of the Commission and the person or company an opportunity to be heard on an application under subsection (4), the Tribunal may make an order concerning the application of subsection (2), and the Tribunal's order is binding on the person or company and on the Commission.

### **Duty to comply**

(6) A person or company who is subject to sanctions, conditions, restrictions or requirements imposed in an order that applies in Ontario under subsection (2) shall comply with the order and with any related order made under subsection (5).

### **Payment obligations excluded**

(7) A person or company is not liable, as a result of the operation of subsection (2), to pay to the Commission or to another person or company any amount that the person or company is liable to pay under the order made by the authority responsible for the regulation of commodities and contracts of the other province or territory.

### **Amendment, variation of original order**

(8) If the order made by the authority responsible for the regulation of commodities and contracts of the other province or territory is amended or varied under the laws of that province or territory, the order as amended or varied applies in Ontario under subsection (2).

### **Revocation, etc., of original order**

(9) If the order made by the authority responsible for the regulation of commodities and contracts of the other province or territory is overturned, vacated, revoked or otherwise held to be of no effect pursuant to the laws of that province or territory, the order does not apply in Ontario under subsection (2).

### **No appeal**

(10) Orders that apply in Ontario under subsection (2) and orders made by the Tribunal under subsection (5) are not subject to appeal under this Act.

### **Automatic application of certain settlement agreements of other provinces and territories**

**60.0.2** (1) This section applies with respect to an agreement entered into between a person or company and an authority responsible for the regulation of commodities and contracts of another province or territory in Canada, as defined in subsection 60 (9), relating to,

- (a) a finding or an admission of a contravention by the person or company of the laws of that province or territory respecting commodities or contracts; or
- (b) a finding or an admission of conduct contrary to the public interest by the person or company.

### **Automatic application in Ontario**

(2) If a person or company is subject to a sanction, condition, restriction or requirement pursuant to an agreement described in subsection (1), the agreement has the same effect in Ontario and the sanction, condition, restriction or requirement imposed under that agreement applies in Ontario, without notice to the person or company and without an opportunity to be heard, as if the agreement had been made with the Commission with such modifications as the circumstances require, to the extent that the Tribunal has the power to impose a similar sanction, condition, restriction or requirement.

### **Public access to settlement agreements, etc.**

(3) The Commission shall, on its website, provide access to a publicly available source where the agreement that imposes the sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) can be found.

**Application for clarification**

(4) The Chief Executive Officer of the Commission or a person or company who is subject to an agreement described in subsection (1) may apply to the Tribunal for clarification of the application of subsection (2) in respect of an agreement described in subsection (1).

**Same**

(5) After giving the Chief Executive Officer of the Commission and the person or company an opportunity to be heard on an application under subsection (4), the Tribunal may make an order concerning the application of subsection (2), and the Tribunal's order is binding on the person or company and on the Commission.

**Duty to comply**

(6) A person or company who is subject to sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) shall comply with them and with any related order made under subsection (5).

**Payment obligations excluded**

(7) A person or company is not liable, as a result of the operation of subsection (2), to pay to the Commission or to another person or company any amount that the person or company is liable to pay under the agreement.

**Amendment, variation of agreement**

(8) If the agreement is amended or varied under the laws of the other province or territory, the sanctions, conditions, restrictions or requirements imposed under the agreement as amended or varied apply in Ontario under subsection (2).

**Revocation, etc., of agreement**

(9) If the agreement is set aside, revoked or otherwise held to be of no effect pursuant to the laws of the other province or territory, the sanctions, conditions, restrictions or requirements that were imposed under it do not apply in Ontario under subsection (2).

**No appeal**

(10) Sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) and orders made by the Tribunal under subsection (5) are not subject to appeal under this Act.

**6 Paragraph 11 of subsection 60.2 (3) of the Act is repealed and the following substituted:**

11. An order requiring the person or company to disgorge to the Commission any amounts obtained as a result of the non-compliance with Ontario commodity futures law.

**7 The Act is amended by adding the following section:****Disgorgement orders**

**60.2.1** (1) This section applies with respect to orders made under paragraph 10 of subsection 60 (1) and paragraph 11 of subsection 60.2 (3).

**Distribution of disgorged amount**

(2) In the circumstances prescribed by the regulations, all or part of the disgorged amount received by the Commission shall be distributed in accordance with this section and the regulations to persons or companies who,

- (a) incurred direct financial losses as a result of the contravention giving rise to the payment; and
- (b) satisfy such conditions, restrictions and requirements as may be prescribed.

**Application for payment**

(3) If the regulations require a distribution, persons or companies described in subsection (2) may apply for a payment from the disgorged amount and shall do so in accordance with any applicable court order or regulation.

**Court appointment of administrator**

(4) On application by the Commission, the Superior Court of Justice may make an order appointing one or more persons or companies to administer and distribute all or any part of the disgorged amount if the court is satisfied that the appointment is appropriate for the due administration of Ontario commodity futures law.

**Commission as court-appointed administrator**

(5) The Commission may be appointed under subsection (4).

**Powers and duties, etc.**

(6) The court order shall specify the administrator's powers and duties and the process for distributing any disgorged amount and may include such terms as the court considers just and expedient in the circumstances.

### **Variation or revocation of order**

(7) The court order may be varied or revoked by the court on application by the Commission or by the court-appointed administrator.

### **Payment to applicant**

(8) The court-appointed administrator may, in accordance with the court order, make a payment to an applicant from the disgorged amount administered under the court order.

### **Administrative costs, court-appointed administrator**

(9) The following administrative costs are eligible to be paid to a court-appointed administrator from the disgorged amount or, in accordance with the regulations, from money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021*:

1. The reasonable costs incurred by the administrator, before their appointment, in connection with the disgorged amount.
2. The reasonable costs incurred by the administrator in connection with court orders made under this section.

### **If no court-appointed administrator**

(10) If the regulations require a distribution and there is no court-appointed administrator for all or a part of a disgorged amount, the Commission shall administer and distribute the disgorged amount or the part, as the case may be, in accordance with the regulations.

### **Same, payment to applicant**

(11) The Commission may, in accordance with the regulations, make a payment to an applicant from the disgorged amount administered by the Commission under subsection (10).

### **Administrative costs, no court-appointed administrator**

(12) In the circumstances described in subsection (10), the following administrative costs are eligible to be paid to the Commission from a disgorged amount or, in accordance with the regulations, from money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021*:

1. The reasonable costs of obtaining external advice related to a distribution of the disgorged amount.

### **Operating costs not recoverable**

(13) The Commission's normal operating costs are not eligible to be paid as administrative costs under subsection (9) or (12).

### **Disgorged amount — distribution**

(14) Any disgorged amount remaining after payments are made under subsections (8), (9), (11) and (12) belongs to the Commission and shall be dealt with in accordance with subsection 19 (2) of the *Securities Commission Act, 2021*.

### **Disgorged amount — no distribution**

(15) If the regulations do not require a distribution, the disgorged amount belongs to the Commission and shall be dealt with in accordance with subsection 19 (2) of the *Securities Commission Act, 2021*.

### **Limitation re participation in proceeding**

(16) A person or company is not entitled to participate in a proceeding in which an order may be made under this section solely on the basis that the person or company may be eligible to receive a payment under subsection (8) or (11).

## **8 Section 64 of the Act is repealed and the following substituted:**

### **Immunity**

**64** No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for,

- (a) any act or omission of the last-mentioned person or company done or omitted in compliance with Ontario commodity futures law; or
- (b) any disclosure of information by the last-mentioned person or company to the Commission, to a recognized self-regulatory organization, to a law enforcement agency or to any person or company acting under the authority of the Commission, of the recognized self-regulatory organization or of the law enforcement agency, if the person or company reasonably believed that the information was true and they,
  - (i) reasonably believed that the information was related to an offence or to a contravention of Ontario commodity futures law, or

- (ii) provided the information as part of a review, investigation, examination or inspection by the Commission or the recognized self-regulatory organization or as part of a review, investigation, examination or inspection in respect of Ontario commodity futures law by the law enforcement agency.

**9 Subsection 65 (1) of the Act is amended by adding the following paragraph:**

- 40. Prescribing persons and bodies for the purposes of the definition of “authority responsible for the regulation of commodities and contracts of another province or territory in Canada” in subsection 60 (9).

**10 (1) Subsection 65 (1) of the Act is amended by adding the following paragraphs:**

- 40. Respecting the administration and distribution of disgorged amounts under section 60.2.1.
- 41. Respecting the use of money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021* to pay administrative costs in relation to the distribution of disgorged amounts under section 60.2.1 of this Act.

**(2) Clause 65 (2) (a.1) of the Act is repealed.**

***Freedom of Information and Protection of Privacy Act***

**11 Paragraph 4 of subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out “12” and substituting “12 and 54.1”.**

**Commencement**

**12 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**(2) Sections 6, 7 and 10 come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 2  
CONSTRUCTION ACT**

**1 Paragraph 2 of subsection 1.1 (4) of the *Construction Act* is amended by striking out “specified in” and substituting “provided for under”.**

**2 (1) Clause 85.1 (4) (b) of the Act is repealed and the following substituted:**

(b) has the coverage limit required by the regulations and meets any other prescribed requirements; and

**(2) Clause 85.1 (5) (b) of the Act is repealed and the following substituted:**

(b) has the coverage limit required by the regulations and meets any other prescribed requirements.

**Commencement**

**3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 3  
FUEL TAX ACT**

**1** Clause 2 (1.1) (a) of the *Fuel Tax Act* is amended by striking out “December 31, 2023” and substituting “June 30, 2024”.

**Commencement**

**2** This Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.



**SCHEDULE 4  
GASOLINE TAX ACT**

**1 (1) Subsection 1 (1) of the *Gasoline Tax Act* is amended by adding the following definition:**

“alternative fuel” means any type of fuel or energy, other than gasoline or fuel on which tax is imposed under the *Fuel Tax Act*, that is used to propel a motor vehicle; (“carburant de remplacement”)

**(2) Clause (b) of the definition of “qualified motor vehicle” in subsection 1 (1) of the Act is amended by striking out “hydrogen, natural gas or propane” and substituting “or an alternative fuel”.**

**2 Clause 2 (1.1) (a) of the Act is amended by striking out “December 31, 2023” at the end and substituting “June 30, 2024”.**

**3 (1) Clause 16 (1) (a) of the Act is amended by adding “or the compliance of an interjurisdictional carrier with an agreement entered into under section 34” at the end.**

**(2) Clause 16 (1) (c) of the Act is amended by adding “or required to comply with an agreement entered into under section 34” after “under this Act”.**

**4 The definition of “fuel” in subsection 34 (1) of the Act is amended by striking out “hydrogen, natural gas or propane” at the end and substituting “or an alternative fuel”.**

**Commencement**

**5 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**(2) Sections 1, 3 and 4 come into force on January 1, 2024.**

**SCHEDULE 5  
INTERIM APPROPRIATION FOR 2024-2025 ACT, 2023**

**Interpretation**

**1** Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

**Expenses of the public service**

**2** Pending the voting of supply for the fiscal year ending on March 31, 2025, amounts not exceeding a total of \$186,796,902,100 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

**Investments of the public service**

**3** Pending the voting of supply for the fiscal year ending on March 31, 2025, amounts not exceeding a total of \$5,906,821,600 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

**Expenses of the Legislative Offices**

**4** Pending the voting of supply for the fiscal year ending on March 31, 2025, amounts not exceeding a total of \$324,040,100 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

**Charge to proper appropriation**

**5** All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2025.

**Commencement**

**6** The Act set out in this Schedule comes into force on April 1, 2024.

**Short title**

**7** The short title of the Act set out in this Schedule is the *Interim Appropriation for 2024-2025 Act, 2023*.

**SCHEDULE 6**  
**INVESTMENT MANAGEMENT CORPORATION OF ONTARIO ACT, 2015**

**1 (1) Paragraph 3 of subsection 9 (1) of the *Investment Management Corporation of Ontario Act, 2015* is amended by adding the following subparagraph:**

v.1 An Investment Board or a Joint Investment Board.

**(2) Section 9 of the Act is amended by adding the following subsection:**

**Definitions**

(4) In this section,

“Investment Board” means an Investment Board within the meaning of Part II of Ontario Regulation 438/97 (Eligible Investments, Related Financial Agreements and Prudent Investment) made under the *Municipal Act, 2001* and within the meaning of section 42 of Ontario Regulation 610/06 (Financial Activities) made under the *City of Toronto Act, 2006*; (“commission des placements”)

“Joint Investment Board” has the same meaning as in Part II of Ontario Regulation 438/97 (Eligible Investments, Related Financial Agreements and Prudent Investment) made under the *Municipal Act, 2001*. (“commission mixte des placements”)

**Commencement**

**2 This Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**SCHEDULE 7  
MINISTRY OF REVENUE ACT**

**1 Subsection 11.2 (2) of the *Ministry of Revenue Act* is repealed and the following substituted:**

**Certified copies**

(2) The Minister shall, upon request, provide a certified copy of a notice of calculation given under subsection 39 (7) of the *Family Law Act* to a parent, the designated authority in Ontario under the *Interjurisdictional Support Orders Act, 2002* or the Central Authority in Ontario under the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*.

**2 Subsection 11.3 (2) of the Act is repealed and the following substituted:**

**Certified copies**

(2) The Minister shall, upon request, provide a certified copy of a notice of recalculation given under subsection 39.1 (7) of the *Family Law Act* to a parent, the designated authority in Ontario under the *Interjurisdictional Support Orders Act, 2002* or the Central Authority in Ontario under the *International Recovery of Child Support and Family Maintenance Convention Act, 2023*.

**Commencement**

**3 This Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**SCHEDULE 8  
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT**

**1 Section 9.1 of the *Ministry of Training, Colleges and Universities Act* is repealed and the following substituted:**

**Collection of loans in default**

**9.1** (1) The Minister of Finance may take one or more of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* to enforce the collection of a student loan or a medical resident loan if,

- (a) the borrower is in default of their obligation to repay the loan; and
- (b) the Minister, as defined in section 1, has entered into a memorandum of understanding under section 11.1 of the *Ministry of Revenue Act* for the Minister of Finance to provide collection services to the Ministry and to enforce the collection of the debt.

**Application of ss. 11.1.1, 11.1.2 and 11.1.4 of *Ministry of Revenue Act***

(2) None of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* shall be taken with respect to a borrower referred to in subsection (1) unless,

- (a) the Minister, as defined in section 1, has entered into a memorandum of understanding with the Minister of Finance for the purposes of authorizing the Ministry of Finance to take such measures; and
- (b) such measures are taken in accordance with,
  - (i) the terms set out in the memorandum of understanding referred to in clause (a), and
  - (ii) any other requirements, limitations, conditions or terms prescribed by the regulations.

**Transition**

(3) This section applies with respect to any debts that existed before, on or after the day section 1 of Schedule 8 to the *Building a Strong Ontario Together Act (Budget Measures), 2023* came into force.

**Definition**

(4) In this section,

“borrower” means a person who has received, under this Act, a student loan, a grant that has been converted to a student loan or a medical resident loan and who is required to make repayments on the loan and includes a debtor as defined in subsection 11.1 (1) of the *Ministry of Revenue Act*.

**2 (1) Clauses 13 (1) (j.1) to (j.8) of the Act are repealed and the following substituted:**

(j.1) prescribing requirements, limitations, conditions or terms for the purposes of subclause 9.1 (2) (b) (ii);

**(2) Subsection 13 (3.1) of the Act is amended by striking out “clauses (1) (a.3), (a.4), (a.5), (h.1) or (j.1) to (j.8)” and substituting “clause (1) (a.3), (a.4), (a.5), (h.1) or (j.1)”.**

**Commencement**

**3 This Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**SCHEDULE 9**  
**OPIOID DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, 2019**

**1 (1) Subsection 1 (1) of the *Opioid Damages and Health Care Costs Recovery Act, 2019* is amended by adding the following definitions:**

“active ingredient” means an active ingredient set out in Schedule 1 to this Act or any other active ingredients prescribed by the regulations made under this Act; (“ingrédient actif”)

“consultant” means a person who provides advisory services,

- (a) to a wholesaler in relation to the distribution, sale or offering for sale of opioid products, or
- (b) to a manufacturer in relation to the sale of active ingredients or opioid products; (“conseiller”)

**(2) The definition of “cost of health care benefits” in subsection 1 (1) of the Act is repealed and the following substituted:**

“cost of health care benefits” means,

- (a) in relation to an action under subsection 2 (1), the sum of,
  - (i) the present value of the total expenditure by the Crown in right of Ontario for health care benefits provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness, and
  - (ii) the present value of the estimated total expenditure by the Crown in right of Ontario for health care benefits that could reasonably be expected to be provided for those insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness, and
- (b) in relation to an action under subsection 2.1 (1), the sum of,
  - (i) the present value of the total expenditure by the Crown in right of Canada for health care benefits provided for insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness, and
  - (ii) the present value of the estimated total expenditure by the Crown in right of Canada for health care benefits that could reasonably be expected to be provided for those insured persons as a result of opioid-related disease, injury or illness or the risk of opioid-related disease, injury or illness; (“coût des prestations de soins de santé”)

**(3) The definition of “health care benefits” in subsection 1 (1) of the Act is repealed and the following substituted:**

“health care benefits” means,

- (a) in relation to an action under subsection 2 (1),
  - (i) home and community care services under the *Connecting Care Act, 2019*,
  - (ii) insured services as defined in the *Health Insurance Act*,
  - (iii) community services under the *Home Care and Community Services Act, 1994*, before its repeal,
  - (iv) payments under the *Homemakers and Nurses Services Act*,
  - (v) services for which a facility cost is payable under the *Integrated Community Health Services Centres Act, 2023*,
  - (vi) care, services and accommodation under the *Fixing Long-Term Care Act, 2021*,
  - (vii) drugs, substances or professional services funded under the *Ontario Drug Benefit Act*,
  - (viii) care, services and accommodation under any of the following Acts, before their repeal:
    - A. the *Charitable Institutions Act*,
    - B. the *Homes for the Aged and Rest Homes Act*,
    - C. the *Nursing Homes Act*,
    - D. the *Long-Term Care Homes Act, 2007*,
  - (ix) services for which a facility fee was payable under the *Independent Health Facilities Act* before its repeal,
  - (x) other expenditures by the Crown in right of Ontario, made directly or through one or more agents or other intermediate bodies, for programs, services, benefits or similar matters associated with disease, injury or illness; and
- (b) in relation to an action under subsection 2.1 (1), expenditures in Ontario by the Crown in right of Canada for programs, services, benefits or similar matters associated with disease, injury or illness; (“prestations de soins de santé”)

**(4) The definition of “manufacturer” in subsection 1 (1) of the Act is amended by striking out “opioid product” and “opioid products” wherever they appear and substituting in each case “active ingredient or opioid product” and “active ingredients or opioid products” respectively.**

**(5) The definition of “opioid product” in subsection 1 (1) of the Act is repealed and the following substituted:**

“opioid product” means any product that contains,

- (a) a drug set out in Schedule 1 to this Act or prescribed by the regulations made under this Act, or
- (b) an active ingredient. (“produit opioïde”)

**(6) The definition of “opioid-related wrong” in subsection 1 (1) of the Act is repealed and the following substituted:**

“opioid-related wrong” means,

- (a) a tort that is committed in Ontario by a manufacturer, wholesaler or consultant and that causes or contributes to opioid-related disease, injury or illness, or
- (b) in an action under subsection 2 (1) or 2.1 (1), a breach by a manufacturer, wholesaler or consultant of a common law, equitable or statutory duty or obligation owed to persons in Ontario who have used or been exposed to or might use or be exposed to an opioid product; (“faute liée aux opioïdes”)

**(7) Subsection 1 (6) of the Act is repealed and the following substituted:**

**Formula for determining market share of manufacturer of opioid product**

(6) For the purposes of determining the market share of a manufacturer for a type of opioid product sold in Ontario, the court shall calculate the manufacturer’s market share for the type of opioid product by the following formula:

$$\text{mms} = 100\% \times \text{mm} / \text{MM}$$

where,

mms = the manufacturer’s market share for the type of opioid product from the date of the earliest opioid-related wrong committed by that manufacturer to the date of trial,

mm = the quantity of the type of opioid product manufactured by the manufacturer that is distributed, sold or offered for sale within Ontario from the date of the earliest opioid-related wrong committed by that manufacturer to the date of trial,

MM = the quantity of the type of opioid product manufactured by all manufacturers that is purchased or dispensed within Ontario for the purpose of providing health care benefits from the date of the earliest opioid-related wrong committed by the manufacturer to the date of trial.

**Formula for determining wholesaler’s market share**

(7) For the purposes of determining the market share of a wholesaler for a type of opioid product sold in Ontario, the court shall calculate the wholesaler’s market share for the type of opioid product by the following formula:

$$\text{wms} = 100\% \times \text{wm} / \text{WM}$$

where,

wms = the wholesaler’s market share for the type of opioid product from the date of the earliest opioid-related wrong committed by that wholesaler to the date of trial,

wm = the quantity of the type of opioid product that is distributed, sold or offered for sale by the wholesaler within Ontario from the date of the earliest opioid-related wrong committed by that wholesaler to the date of trial,

WM = the quantity of the type of opioid product that is distributed, sold or offered for sale within Ontario for the purpose of providing health care benefits from the date of the earliest opioid-related wrong committed by the wholesaler to the date of trial.

**2 Subsection 2 (1) of the Act is amended by striking out “manufacturer or wholesaler” and substituting “manufacturer, wholesaler or consultant”.**

**3 The Act is amended by adding the following section:**

**Direct action by the Crown in right of Canada**

**2.1** (1) The Crown in right of Canada has a direct and distinct action against a manufacturer, wholesaler or consultant to recover the cost of health care benefits caused or contributed to by an opioid-related wrong.

**Action not subrogated**

(2) An action under subsection (1) is brought by the Crown in right of Canada in its own right and not on the basis of a subrogated claim.

**Action independent of recovery by others**

(3) In an action under subsection (1), the Crown in right of Canada may recover the cost of health care benefits whether or not there has been any recovery by other persons who have suffered damage caused or contributed to by the opioid-related wrong committed by the defendant.

**Recovery for individuals or on aggregate basis**

- (4) In an action under subsection (1), the Crown in right of Canada may recover the cost of health care benefits,
- (a) for particular individual insured persons who have suffered damage caused or contributed to by the use of or exposure to a type of opioid product; or
  - (b) on an aggregate basis, for a population of insured persons who have suffered damage caused or contributed to by the use of or exposure to a type of opioid product.

**Action brought on aggregate basis**

(5) If the Crown in right of Canada seeks in an action under subsection (1) to recover the cost of health care benefits on an aggregate basis,

- (a) it is not necessary,
  - (i) to identify particular individual insured persons,
  - (ii) to prove the cause of opioid-related disease, injury or illness in any particular individual insured person, or
  - (iii) to prove the cost of health care benefits for any particular individual insured person;
- (b) the health care records and documents of particular individual insured persons or the documents relating to the provision of health care benefits for particular individual insured persons are not compellable except as provided under a rule of law, practice or procedure that requires the production of documents relied on by an expert witness;
- (c) a person is not compellable to answer questions with respect to the health of, or the provision of health care benefits for, particular individual insured persons;
- (d) despite clauses (b) and (c), on motion by a defendant, the court may order discovery of a statistically meaningful sample of the documents referred to in clause (b), and the order shall include directions concerning the nature, level of detail and type of information to be disclosed; and
- (e) if an order is made under clause (d), the identity of particular individual insured persons shall not be disclosed, and all identifiers that disclose or may be used to trace the names or identities of any particular individual insured persons shall be deleted from any documents before the documents are disclosed.

**4 Subsection 3 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:****Recovery of cost of health care benefits on aggregate basis**

(1) In an action under subsection 2 (1) or 2.1 (1) for the recovery of the cost of health care benefits on an aggregate basis, subsection (2) applies if the Crown in right of Ontario or the Crown in right of Canada, as the case may be, proves, on a balance of probabilities, that, in respect of a type of opioid product,

**5 Section 4 of the Act is repealed and the following substituted:****Joint and several liability in an action under s. 2 (1) or s. 2.1 (1)**

4 (1) Two or more defendants in an action under subsection 2 (1) or 2.1 (1) are jointly and severally liable for the cost of health care benefits if,

- (a) those defendants jointly breached a duty or obligation described in the definition of “opioid-related wrong” in subsection 1 (1); and
- (b) as a consequence of the breach described in clause (a), at least one of those defendants is held liable in the action under subsection 2 (1) or 2.1 (1) for the cost of those health care benefits.

**Joint breach**

(2) For purposes of an action under subsection 2 (1) or 2.1 (1), two or more manufacturers, wholesalers or consultants, whether or not they are defendants in the action, are deemed to have jointly breached a duty or obligation described in the definition of “opioid-related wrong” in subsection 1 (1) if,

- (a) one or more of those manufacturers, wholesalers or consultants are held to have breached the duty or obligation; and
- (b) at common law, in equity or under an enactment, those manufacturers, wholesalers or consultants would be held,
  - (i) to have conspired or acted in concert with respect to the breach,



- (ii) to have acted in a principal and agent relationship with each other with respect to the breach, or
- (iii) to be jointly or vicariously liable for the breach if damages would have been awarded to a person who suffered damages as a consequence of the breach.

#### **Joint and several liability of directors and officers**

**4.1** (1) A director or officer of a corporation who directs, authorizes, assents to, acquiesces in or participates in an opioid-related wrong committed by the corporation is jointly and severally liable with the corporation for the cost of health care benefits, or for damages, caused or contributed to by the opioid-related wrong.

#### **Application**

(2) Subsection (1) applies whether or not an action against the corporation for recovery of the cost of health care benefits, or for damages, has been commenced or concluded.

#### **Exception, reasonable diligence**

(3) A director or officer is not liable under subsection (1) if the director or officer proves, on a balance of probabilities, that the director or officer,

- (a) did not know, and in the exercise of reasonable diligence could not have known, that the corporation was committing an opioid-related wrong; or
- (b) exercised reasonable diligence to prevent the corporation from committing the opioid-related wrong.

**6 Section 5 of the Act is amended by striking out “or” after clause (a), by adding “or” after clause (b) and by adding the following clause:**

- (c) under subsection 2.1 (1).

**7 (1) Subsection 6 (1) of the Act is amended by striking out “the coming into force of this section” and substituting “December 12, 2019” and by striking out “it came into force” and substituting “that date”.**

**(2) Section 6 of the Act is amended by adding the following subsection:**

#### **Same**

(1.1) The following proceedings are not barred under the *Limitations Act, 2002* or any other Act if they were commenced before the coming into force of subsection 7 (2) of Schedule 9 to the *Building a Strong Ontario Together Act (Budget Measures), 2023* or within 15 years after it came into force:

1. A proceeding for the recovery of the cost of health care benefits alleged to have been caused or contributed to by an opioid-related wrong that is commenced by the Crown in right of Canada.
2. A proceeding that includes a claim for the recovery of the cost of health care benefits alleged to have been caused or contributed to by an opioid-related wrong that is commenced by the Crown in right of a province of Canada or the Government of a territory of Canada on behalf of a class or proposed class of which the Crown in right of Canada is a member or proposed member.

**(3) Subsection 6 (2) of the Act is amended by striking out “for damages” and substituting “for the recovery of the cost of health care benefits, or for damages,” and by striking out “the coming into force of this section” and substituting “December 12, 2019”.**

**(4) Section 6 of the Act is amended by adding the following subsection:**

#### **Same**

(3) A proceeding described in subsection (1.1) for the recovery of the cost of health care benefits alleged to have been caused or contributed to by an opioid-related wrong is revived if the proceeding was dismissed before the coming into force of subsection 7 (4) of Schedule 9 to the *Building a Strong Ontario Together Act (Budget Measures), 2023* merely because it was held by a court to be barred under or extinguished by the *Limitations Act, 2002* or any other Act.

**8 (1) Subsection 7 (2) of the Act is amended by adding “or the Crown in right of Canada, as the case may be” after “Crown in right of Ontario” in the portion before clause (a).**

**(2) Paragraph 5 of subsection 7 (3) of the Act is amended by striking out “manufacturers or wholesalers” and substituting “manufacturers, wholesalers or consultants”.**

**9 (1) Section 9 of the Act is amended by adding the following clause:**

(0.a) prescribing active ingredients for the purposes of the definition of “active ingredient” in subsection 1 (1);

**(2) Clause 9 (a) of the Act is amended by striking out “clause (b)” and substituting “clause (a)”.**

**10 Section 10 of the Act is amended by adding “or 2.1 (1)” after “subsection 2 (1)”.**

**11 Section 11 of the Act is amended by striking out “the date this section comes into force” and substituting “December 12, 2019”.**

**12 Subsection 13 (3) of the Act is amended by striking out “the date this section comes into force” and substituting “December 12, 2019”.**

**13 Section 1 of Schedule 1 to the Act is amended by striking out “a drug containing any of the following active ingredients” in the portion before paragraph 1 and substituting “any of the following drugs or active ingredients”.**

*Limitations Act, 2002*

**14 The Schedule to the *Limitations Act, 2002* is amended by striking out “subsection 6 (1)” in the column titled “Provision” opposite “Opioid Damages and Health Care Costs Recovery Act, 2019” in the column titled “Act” and substituting “subsections 6 (1) and (1.1)”.**

**Commencement**

**15 This Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**SCHEDULE 10  
SECURITIES ACT**

**1 Subsection 10 (1) of the *Securities Act* is amended by striking out “final decision of the Tribunal may appeal” and substituting “final decision of the Tribunal, other than a decision under section 127.0.1 or 127.0.2, may appeal”.**

**2 Section 53 of the Act is amended by adding the following subsection:**

**Automatic receipts**

(3) The regulations may prescribe circumstances in which a receipt for a preliminary prospectus or a prospectus is deemed to be issued by the Director.

**3 The French version of clause (e) of the definition of “solicit” and “solicitation” in section 84 of the Act is amended by striking out “demande spontanée” and substituting “demande non sollicitée”.**

**4 Part XXI.2 of the Act is repealed and the following substituted:**

**PART XXI.2  
WHISTLE-BLOWING AND PROTECTION FROM REPRISALS**

**Whistle-blower submissions — *Freedom of Information and Protection of Privacy Act***

**121.5** (1) This section applies if, for the purpose of making a whistle-blower submission, an individual provides information to the Commission in a form made available by the Commission for that purpose.

**No disclosure**

(2) The Commission shall not disclose, in response to a request for access under the *Freedom of Information and Protection of Privacy Act*, the identity of the individual, or any information or record that may reasonably be expected to reveal the identity of the individual, as the source of information that has been provided to the Commission.

**Same**

(3) Subsection (2) applies with respect to information provided to the Commission before, on or after the day section 4 of Schedule 10 to the *Building a Strong Ontario Together Act (Budget Measures), 2023* comes into force.

**No reprisals**

**121.6** (1) In this section,

“specified individual”, in relation to a person or company, means,

- (a) an employee, officer or director of the person or company,
- (b) an individual who provides services to the person or company under a contract, other than an employment contract, between the individual and the person or company, or
- (c) an individual who is an incorporated employee of a personal services business within the meaning of subsection 125 (7) of the *Income Tax Act* (Canada) and who provides services to the person or company under a contract between the personal services business and the person or company.

**Prohibition on taking reprisal**

(2) No person or company, or other person or company acting on behalf of the person or company, shall take a reprisal against a specified individual because the specified individual has,

- (a) sought advice about providing information, expressed an intention to provide information or provided information to the person or company, the Commission, a recognized self-regulatory organization or a law enforcement agency, or a person or company acting under the authority of the Commission, of a recognized self-regulatory organization or of a law enforcement agency, about an act of the person or company, or of a person or company acting on behalf of the person or company, that has occurred, is ongoing or is about to occur, and that the specified individual reasonably believes is contrary to Ontario securities law or a by-law or other regulatory instrument of a recognized self-regulatory organization; or
- (b) in relation to information provided under clause (a), co-operated, testified or otherwise assisted, or expressed an intention to co-operate, testify or otherwise assist in,
  - (i) a review, investigation, examination or inspection authorized by the Commission, by a recognized self-regulatory organization or by a law enforcement agency, or
  - (ii) a proceeding under this Act, a proceeding of a recognized self-regulatory organization or a judicial proceeding.

**Same**

(3) For the purposes of subsection (2), a reprisal includes, without limitation,

- (a) terminating or threatening to terminate the specified individual's employment, contract, position or office;
- (b) demoting, disciplining or suspending, or threatening to demote, discipline or suspend, the specified individual from their employment, position or office;
- (c) imposing or threatening to impose a penalty, or withholding or threatening to withhold a benefit, related to the specified individual's employment, contract, position or office;
- (d) intimidating or coercing a specified individual in relation to their employment, contract, position or office; or
- (e) otherwise detrimentally affecting the specified individual by any act or failure to act, regardless of whether the act or failure to act is related to the specified individual's employment, contract, position or office, if any.

#### **Prohibition re agreements**

- (4) A provision in an agreement, including a confidentiality agreement, is void to the extent that it precludes or purports to preclude a specified individual from,
- (a) providing information described in clause (2) (a) to the Commission, a recognized self-regulatory organization or a law enforcement agency; or
  - (b) in relation to information provided under clause (2) (a), co-operating, testifying or otherwise assisting, or expressing an intention to co-operate, testify or otherwise assist in,
    - (i) a review, investigation, examination or inspection authorized by the Commission, by a recognized self-regulatory organization or by a law enforcement agency, or
    - (ii) a proceeding under this Act, a proceeding of a recognized self-regulatory organization or a judicial proceeding.

#### **Actions relating to reprisal**

- (5) If a specified individual alleges that a person or company, or a person or company acting on behalf of the person or company, has taken a reprisal against them in contravention of subsection (2), the specified individual may, without limiting the steps they may otherwise take,
- (a) in the case where arbitration is provided for under a collective agreement, make a complaint to be dealt with by final and binding settlement by arbitration under the collective agreement; or
  - (b) in any other case, either,
    - (i) bring an action in the Superior Court of Justice, or
    - (ii) if arbitration is provided for under an agreement other than a collective agreement, make a complaint to be dealt with by final and binding settlement by arbitration under the agreement.

#### **Burden of proof**

- (6) In an arbitration or action under subsection (5), the burden of proof that the person or company did not take a reprisal against a specified individual in contravention of subsection (2) lies on that person or company.

#### **Remedies**

- (7) The arbitrator or court may order one or more of the following remedies:
1. Reinstatement of the specified individual to their employment, contract, position or office, with the same seniority status that the specified individual would have had if the reprisal had not been taken.
  2. Payment to the specified individual of two times the amount of compensation the specified individual would have been paid in connection with their employment, contract, position or office between the date of the reprisal and the date of the order if the reprisal had not been taken, with interest.
  3. Payment to the specified individual of compensation, in the amount the arbitrator or court considers just, having regard to the reprisal to which the complaint or proceeding relates and any loss attributable to it.

#### **5 Section 122 of the Act is amended by adding the following subsection:**

##### **Same, ss. 127.0.1 and 127.0.2**

(2.1) Without limiting the availability of other defences, no person or company is guilty of an offence for failing to comply with subsection 127.0.1 (6) or 127.0.2 (6) if the person or company did not know, and in the exercise of reasonable diligence could not have known, that the act or course of conduct in which the person or company engaged caused the person or company to fail to comply with a sanction, condition, restriction, requirement, order or agreement mentioned in those subsections.

**6 (1) Subsection 127 (1.1) of the Act is amended by striking out "the person" and substituting "the person or company".**

**(2) Section 127 of the Act is amended by adding the following subsections:**

**No hearing if prior conviction, etc.**

(4.0.1) Despite subsection (4), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8.5 of subsection (1) without giving the person or company that is subject to the order an opportunity to be heard:

1. The person or company has been found by a court in any jurisdiction to have contravened the laws of the jurisdiction respecting securities or derivatives.
2. The person or company has been convicted in any jurisdiction of an offence under laws respecting securities or derivatives.
3. The person or company has been convicted in any jurisdiction of an offence arising from a transaction, business or course of conduct related to securities or derivatives.

**No hearing if prior order of certain regulators**

(4.0.2) Despite subsection (4), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8.5 of subsection (1) without giving the person or company that is subject to the order an opportunity to be heard:

1. The person or company is subject to an order made by a securities regulatory authority outside Canada, as defined in subsection (10), imposing sanctions, conditions, restrictions or requirements.
2. The person or company is subject to an order made by a securities regulatory authority of another province or territory in Canada, as defined in subsection (10), imposing sanctions, conditions, restrictions or requirements.
3. The person or company is subject to an order made by a recognized self-regulatory organization in Canada imposing sanctions, conditions, restrictions or requirements.
4. The person or company is subject to an order made by an exchange in Canada imposing sanctions, conditions, restrictions or requirements.

**No hearing if prior settlement agreement with certain regulators**

(4.0.3) Despite subsection (4), if any of the following circumstances exist, the Tribunal may make an order described in paragraphs 1 to 8.5 of subsection (1) without giving the person or company who is subject to the order an opportunity to be heard:

1. The person or company has agreed with a securities regulatory authority outside Canada, as defined in subsection (10), to be subject to sanctions, conditions, restrictions or requirements.
2. The person or company has agreed with a securities regulatory authority of another province or territory in Canada, as defined in subsection (10), to be subject to sanctions, conditions, restrictions or requirements.
3. The person or company has agreed with a recognized self-regulatory organization in Canada to be subject to sanctions, conditions, restrictions or requirements.
4. The person or company has agreed with an exchange in Canada to be subject to sanctions, conditions, restrictions or requirements.

**Retrospective application**

(4.0.4) The Tribunal may make an order under subsections (4.0.1) to (4.0.3) even if the circumstances mentioned in those subsections arose before the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* received Royal Assent.

**(3) Subsection 127 (10) of the Act is repealed and the following substituted:****Definitions**

(10) In subsections (4.0.2) and (4.0.3) and sections 127.0.1 and 127.0.2,

“securities regulatory authority of another province or territory in Canada” means a securities commission or other person or body empowered by law to regulate securities or derivatives in, or to administer or enforce the securities or derivatives law of, another province or territory in Canada, or any other person or body prescribed by a regulation, but does not include a self-regulatory organization, exchange, clearing agency, trade repository, quotation and trade reporting system, auditor oversight body or credit rating organization; (“organisme de réglementation des valeurs mobilières d’une autre province ou d’un territoire du Canada”)

“securities regulatory authority outside Canada” means a securities commission, self-regulatory organization, exchange or other person or body empowered by law to regulate securities or derivatives in, or to administer or enforce the securities or derivatives laws of, a jurisdiction outside Canada. (“organisme étranger de réglementation des valeurs mobilières”)

**7 The Act is amended by adding the following sections:**

### **Automatic application of certain orders of other provinces and territories**

**127.0.1** (1) This section applies with respect to an order made by a securities regulatory authority of another province or territory in Canada, as defined in subsection 127 (10), if,

- (a) the order imposes sanctions, conditions, restrictions or requirements on a person or company; and
- (b) the order arose as a result of a finding or an admission of a contravention by the person or company of the laws of that province or territory respecting securities or derivatives, or a finding or an admission of conduct contrary to the public interest.

### **Automatic application in Ontario**

(2) The order made by the securities regulatory authority of the other province or territory applies in Ontario, without notice to the person or company and without an opportunity to be heard, as if the order were made by the Tribunal with such modifications as the circumstances require, to the extent that the Tribunal or the Commission has the power to impose a similar sanction, condition, restriction or requirement.

### **Public access to orders**

(3) The Commission shall, on its website, provide access to a publicly available source where orders that apply in Ontario under subsection (2) can be found.

### **Application for clarification**

(4) The Chief Executive Officer of the Commission or a person or company directly affected by an order described in subsection (1) may apply to the Tribunal for clarification of the application of subsection (2) in respect of an order described in subsection (1).

### **Same**

(5) After giving the Chief Executive Officer of the Commission and the person or company an opportunity to be heard on an application under subsection (4), the Tribunal may make an order concerning the application of subsection (2), and the Tribunal's order is binding on the person or company and on the Commission.

### **Duty to comply**

(6) A person or company who is subject to sanctions, conditions, restrictions or requirements imposed in an order that applies in Ontario under subsection (2) shall comply with the order and with any related order made under subsection (5).

### **Payment obligations excluded**

(7) A person or company is not liable, as a result of the operation of subsection (2), to pay to the Commission or to another person or company any amount that the person or company is liable to pay under the order made by the securities regulatory authority of the other province or territory.

### **Amendment, variation of original order**

(8) If the order made by the securities regulatory authority of the other province or territory is amended or varied under the laws of that province or territory, the order as amended or varied applies in Ontario under subsection (2).

### **Revocation, etc., of original order**

(9) If the order made by the securities regulatory authority of the other province or territory is overturned, vacated, revoked or otherwise held to be of no effect pursuant to the laws of that province or territory, the order does not apply in Ontario under subsection (2).

### **No appeal**

(10) Orders that apply in Ontario under subsection (2) and orders made by the Tribunal under subsection (5) are not subject to appeal under this Act.

### **Automatic application of certain settlement agreements of other provinces and territories**

**127.0.2** (1) This section applies with respect to an agreement entered into between a person or company and a securities regulatory authority of another province or territory in Canada, as defined in subsection 127 (10), relating to,

- (a) a finding or an admission of a contravention by the person or company of the laws of that province or territory respecting securities or derivatives; or
- (b) a finding or an admission of conduct contrary to the public interest by the person or company.

### **Automatic application in Ontario**

(2) If a person or company is subject to a sanction, condition, restriction or requirement pursuant to an agreement described in subsection (1), the agreement has the same effect in Ontario and the sanction, condition, restriction or requirement imposed under that agreement applies in Ontario, without notice to the person or company and without an opportunity to be heard, as if

the agreement had been made with the Commission with such modifications as the circumstances require, to the extent that the Tribunal has the power to impose a similar sanction, condition, restriction or requirement.

**Public access to settlement agreements, etc.**

(3) The Commission shall, on its website, provide access to a publicly available source where the agreement that imposes the sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) can be found.

**Application for clarification**

(4) The Chief Executive Officer of the Commission or a person or company who is subject to an agreement described in subsection (1) may apply to the Tribunal for clarification of the application of subsection (2) in respect of an agreement described in subsection (1).

**Same**

(5) After giving the Chief Executive Officer of the Commission and the person or company an opportunity to be heard on an application under subsection (4), the Tribunal may make an order concerning the application of subsection (2), and the Tribunal's order is binding on the person or company and on the Commission.

**Duty to comply**

(6) A person or company who is subject to sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) shall comply with them and with any related order made under subsection (5).

**Payment obligations excluded**

(7) A person or company is not liable, as a result of the operation of subsection (2), to pay to the Commission or to another person or company any amount that the person or company is liable to pay under the agreement.

**Amendment, variation of agreement**

(8) If the agreement is amended or varied under the laws of the other province or territory, the sanctions, conditions, restrictions or requirements imposed under the agreement as amended or varied apply in Ontario under subsection (2).

**Revocation, etc., of agreement**

(9) If the agreement is set aside, revoked or otherwise held to be of no effect pursuant to the laws of the other province or territory, the sanctions, conditions, restrictions or requirements that were imposed under it do not apply in Ontario under subsection (2).

**No appeal**

(10) Sanctions, conditions, restrictions or requirements that apply in Ontario under subsection (2) and orders made by the Tribunal under subsection (5) are not subject to appeal under this Act.

**8 Paragraph 15 of subsection 128 (3) of the Act is repealed and the following substituted:**

15. An order requiring the person or company to disgorge to the Commission any amounts obtained as a result of the non-compliance with Ontario securities law.

**9 The Act is amended by adding the following section:**

**Disgorgement orders**

**128.1** (1) This section applies with respect to orders made under paragraph 10 of subsection 127 (1) and paragraph 15 of subsection 128 (3).

**Distribution of disgorged amount**

(2) In the circumstances prescribed by the regulations, all or part of the disgorged amount received by the Commission shall be distributed in accordance with this section and the regulations to persons or companies who,

- (a) incurred direct financial losses as a result of the contravention giving rise to the payment; and
- (b) satisfy such conditions, restrictions and requirements as may be prescribed.

**Application for payment**

(3) If the regulations require a distribution, persons or companies described in subsection (2) may apply for a payment from the disgorged amount and shall do so in accordance with any applicable court order or regulation.

**Court appointment of administrator**

(4) On application by the Commission, the Superior Court of Justice may make an order appointing one or more persons or companies to administer and distribute all or any part of the disgorged amount if the court is satisfied that the appointment is appropriate for the due administration of Ontario securities law.

**Commission as court-appointed administrator**

(5) The Commission may be appointed under subsection (4).

**Powers and duties, etc.**

(6) The court order shall specify the administrator's powers and duties and the process for distributing any disgorged amount and may include such terms as the court considers just and expedient in the circumstances.

**Variation or revocation of order**

(7) The court order may be varied or revoked by the court on application by the Commission or by the court-appointed administrator.

**Payment to applicant**

(8) The court-appointed administrator may, in accordance with the court order, make a payment to an applicant from the disgorged amount administered under the court order.

**Administrative costs, court-appointed administrator**

(9) The following administrative costs are eligible to be paid to a court-appointed administrator from the disgorged amount or, in accordance with the regulations, from money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021*:

1. The reasonable costs incurred by the administrator, before their appointment, in connection with the disgorged amount.
2. The reasonable costs incurred by the administrator in connection with court orders made under this section.

**If no court-appointed administrator**

(10) If the regulations require a distribution and there is no court-appointed administrator for all or a part of a disgorged amount, the Commission shall administer and distribute the disgorged amount or the part, as the case may be, in accordance with the regulations.

**Same, payment to applicant**

(11) The Commission may, in accordance with the regulations, make a payment to an applicant from the disgorged amount administered by the Commission under subsection (10).

**Administrative costs, no court-appointed administrator**

(12) In the circumstances described in subsection (10), the following administrative costs are eligible to be paid to the Commission from a disgorged amount or, in accordance with the regulations, from money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021*:

1. The reasonable costs of obtaining external advice related to a distribution of the disgorged amount.

**Operating costs not recoverable**

(13) The Commission's normal operating costs are not eligible to be paid as administrative costs under subsection (9) or (12).

**Disgorged amount — distribution**

(14) Any disgorged amount remaining after payments are made under subsections (8), (9), (11) and (12) belongs to the Commission and shall be dealt with in accordance with subsection 19 (2) of the *Securities Commission Act, 2021*.

**Disgorged amount — no distribution**

(15) If the regulations do not require a distribution, the disgorged amount belongs to the Commission and shall be dealt with in accordance with subsection 19 (2) of the *Securities Commission Act, 2021*.

**Limitation re participation in proceeding**

(16) A person or company is not entitled to participate in a proceeding in which an order may be made under this section solely on the basis that the person or company may be eligible to receive a payment under subsection (8) or (11).

**10 Section 141 of the Act is repealed and the following substituted:****Immunity**

**141** No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for,

- (a) any act or omission of the last-mentioned person or company done or omitted in compliance with Ontario securities law; or
- (b) any disclosure of information by the last-mentioned person or company to the Commission, to a recognized self-regulatory organization, to a law enforcement agency or to any person or company acting under the authority of the



Commission, of the recognized self-regulatory organization or of the law enforcement agency, if the person or company reasonably believed that the information was true and they,

- (i) reasonably believed that the information was related to an offence or to a contravention of Ontario securities law, or
- (ii) provided the information as part of a review, investigation, examination or inspection by the Commission or the recognized self-regulatory organization or as part of a review, investigation, examination or inspection in respect of Ontario securities law by the law enforcement agency.

**11 (1) Subsection 143 (1) of the Act is amended by adding the following paragraphs:**

15.1 Prescribing circumstances in which a receipt for a preliminary prospectus or a prospectus is deemed to be issued by the Director under subsection 53 (3).

70. Prescribing persons and bodies for the purposes of the definition of “securities regulatory authority of another province or territory in Canada” in subsection 127 (10).

**(2) Subsection 143 (1) of the Act is amended by adding the following paragraphs:**

54.2 Respecting the administration and distribution of disgorged amounts under section 128.1.

54.3 Respecting the use of money described in subclause 19 (2) (b) (iii) or clause 19 (2) (c) of the *Securities Commission Act, 2021* to pay administrative costs in relation to the distribution of disgorged amounts under section 128.1 of this Act.

**(3) Subsection 143 (1.2) of the Act is amended by striking out “The rules” at the beginning and substituting “The regulations”.**

**(4) Subsection 143 (1.3) of the Act is amended by striking out “the rules” at the end and substituting “the regulations”.**

**(5) Clause 143 (2) (a.1) of the Act is repealed.**

**12 (1) Subsection 151 (1) of the Act is amended by striking out “by the Investment Industry Regulatory Organization of Canada after it conducts a hearing or by the Mutual Fund Dealers Association of Canada after it conducts a hearing” and substituting “or by the Canadian Investment Regulatory Organization after it conducts a hearing”.**

**(2) Subsection 151 (3) of the Act is amended by striking out “the Investment Industry Regulatory Organization of Canada or the Mutual Fund Dealers Association of Canada” and substituting “the Canadian Investment Regulatory Organization”.**

*Freedom of Information and Protection of Privacy Act*

**13 Paragraph 9 of subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* is amended by striking out “16 and 17” and substituting “16, 17 and 121.5”.**

**Commencement**

**14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**(2) Sections 8 and 9 and subsections 11 (2) and (5) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 11**  
**SECURITIES COMMISSION ACT, 2021**

**1 Subsection 19 (2) of the *Securities Commission Act, 2021* is repealed and the following substituted:**

**Exceptions**

(2) The Commission shall pay into the Consolidated Revenue Fund money received by the Commission pursuant to an order under paragraph 9 of subsection 127 (1) of the *Securities Act* or paragraph 9 of subsection 60 (1) of the *Commodity Futures Act*, money received as payment to settle enforcement proceedings commenced by the Commission, and money described in subsections 128.1 (14) and (15) of the *Securities Act* or subsections 60.2.1 (14) and (15) of the *Commodity Futures Act*, other than,

- (a) money to reimburse the Commission for costs incurred to enforce an order of the Tribunal or for costs to be incurred for that purpose;
- (b) money that the Commission allocates,
  - (i) to or for the benefit of third parties,
  - (ii) for use, by the Commission or third parties, for the purpose of educating investors or promoting or otherwise enhancing knowledge and information of persons regarding the operation of the securities and financial markets,
  - (iii) for use to pay administrative costs in relation to the distribution of disgorged amounts in accordance with subsection 128.1 (9) or (12) of the *Securities Act* or subsection 60.2.1 (9) or (12) of the *Commodity Futures Act*, or
  - (iv) for any other purpose specified in the regulations;
- (c) previously designated money that the Commission allocates for a purpose described in clause (a) or (b); or
- (d) previously designated money that the Commission allocates for any additional purpose specified in the regulations.

**2 Subsection 33 (1) of the Act is amended by striking out “or employee” and substituting “employee or agent”.**

**3 Section 34 of the Act is amended by striking out “or employee” and substituting “employee or agent”.**

**Commencement**

**4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 12**  
**SUPPLEMENTARY INTERIM APPROPRIATION FOR 2023-2024 ACT, 2023**

**Interpretation**

**1** Expressions used in this Act have the same meaning as in the *Financial Administration Act* unless the context requires otherwise.

**Additional amounts to be paid or recognized**

**2** All amounts authorized under sections 3, 4 and 5 to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments are in addition to the amounts authorized to be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses or non-cash investments under sections 2, 3 and 4 of the *Interim Appropriation for 2023-2024 Act, 2022*.

**Expenses of the public service**

**3** Pending the voting of supply for the fiscal year ending on March 31, 2024, amounts not exceeding a total of \$6,503,529,700 may be paid out of the Consolidated Revenue Fund or recognized as non-cash expenses to be applied to the expenses of the public service that are not otherwise provided for.

**Investments of the public service**

**4** Pending the voting of supply for the fiscal year ending on March 31, 2024, amounts not exceeding a total of \$1,053,160,900 may be paid out of the Consolidated Revenue Fund or recognized as non-cash investments to be applied to the investments of the public service in capital assets, loans and other investments that are not otherwise provided for.

**Expenses of the Legislative Offices**

**5** Pending the voting of supply for the fiscal year ending on March 31, 2024, amounts not exceeding a total of \$25,849,500 may be paid out of the Consolidated Revenue Fund to be applied to the expenses of the Legislative Offices that are not otherwise provided for.

**Charge to proper appropriation**

**6** All expenditures made or recognized under this Act must be charged to the proper appropriation following the voting of supply for the fiscal year ending on March 31, 2024.

**Commencement**

**7** The Act set out in this Schedule is deemed to have come into force on April 1, 2023.

**Short title**

**8** The short title of the Act set out in this Schedule is the *Supplementary Interim Appropriation for 2023-2024 Act, 2023*.

**SCHEDULE 13  
TAXATION ACT, 2007**

**1 (1) Clause 15 (1) (b) of the *Taxation Act, 2007* is amended by striking out “the prescribed rules” at the end and substituting “subsection (3)”.**

**(2) Section 15 of the Act is amended by adding the following subsection:**

**Carryforward amount**

(3) An individual’s carryforward amount for a taxation year in respect of minimum tax is the amount calculated using the formula,

$$A \times B \times C$$

in which,

“A” is the amount deducted under section 120.2 of the Federal Act for the year,

“B” is the amount determined by dividing “D” by “E” where,

“D” is the lowest tax rate for the year, and

“E” is the appropriate percentage for the year under the Federal Act, and

“C” is the Ontario allocation factor in respect of the individual for the year.

**2 (1) Section 24 of the Act is amended by adding the following subsection:**

**Ontario Health Premium**

**Interpretation**

(0.1) For the purposes of this section, an individual’s combined income for a taxation year is the amount calculated using the formula,

$$X + Y$$

in which,

“X” is the individual’s taxable income for the year, and

“Y” is,

(a) if the year ends after December 31, 2023 and section 12.1 applies to the individual for the year, the individual’s split income for the year, and

(b) in any other case, nil.

**(2) Subsection 24 (2) of the Act is amended by striking out “taxable income” wherever it appears and substituting in each case “combined income”.**

**(3) Subsection 24 (4) of the Act is amended by striking out “taxable income” wherever it appears and substituting in each case “combined income”.**

**(4) Subsection 24 (5) of the Act is amended by striking out “taxable income” and substituting “combined income”.**

**3 The French version of subclause (c) (vi) of the definition of “C” in subsection 57 (1) of the Act is amended by striking out “donateur” and substituting “donataire”.**

**4 The French version of paragraph 5 of subsection 93 (15) of the Act is amended by striking out “termine” and substituting “achève”.**

**5 (1) Subsection 103 (3) of the Act is revoked and the following substituted:**

**Amount of tax credit**

(3) The amount of a qualifying individual’s Ontario focused flow-through share tax credit for a taxation year ending before January 1, 2023 is five per cent of the amount of the individual’s eligible Ontario exploration expenditures for the year in respect of each Ontario focused flow-through share that was issued by a mining exploration company and acquired by the individual under an agreement made after October 17, 2000.

**Amount of tax credit, taxation years after 2022**

(3.1) The amount of a qualifying individual’s Ontario focused flow-through share tax credit for a taxation year ending after December 31, 2022 is the sum of the following amounts:

1. Five per cent of the individual's eligible Ontario exploration expenditures for the year in respect of each Ontario focused flow-through share that was issued by a mining exploration company and acquired by the individual under an agreement made after October 17, 2000.
2. Five per cent of the individual's eligible Ontario critical mineral exploration expenditures for the year incurred after December 31, 2022 in respect of each Ontario focused flow-through share that was issued by a mining exploration company and acquired by the individual under an agreement made after April 7, 2022.

**(2) Clause 103 (4) (a) of the Act is amended by striking out “the reference” at the beginning and substituting “any reference”.**

**(3) Clause 103 (4) (b) of the Act is amended by striking out “non-government assistance, other than any investment tax credit under subsection 127 (9) of the Federal Act, in respect of expenses” and substituting “non-government assistance in respect of expenses”.**

**(4) Clause 103 (4) (c) of the Act is repealed and the following substituted:**

- (c) paragraph (a) of the definition of “flow-through mining expenditure” in subsection 127 (9) of the Federal Act were read as “that is a Canadian exploration expense incurred by a corporation after May 1, 2006 in conducting mining exploration activity from or above the surface of the earth for the purpose of determining the existence, location, extent or quality of a mineral resource described in paragraph (a) or (d) of the definition of “mineral resource” in subsection 248 (1) of that Act”.

**(5) Section 103 of the Act is amended by adding the following subsection:**

**Eligible Ontario critical mineral exploration expenditures**

(4.1) The amount of an individual's eligible Ontario critical mineral exploration expenditures for a taxation year in respect of an Ontario focused flow-through share is the amount that would be the individual's flow-through critical mineral mining expenditure in respect of the share for the year, as determined under the definition of that term in subsection 127 (9) of the Federal Act, if,

- (a) any reference to “Canada” in paragraph (f) of the definition of “Canadian exploration expense” in subsection 66.1 (6) of the Federal Act, as that definition applies for the purpose of the definition of “flow-through critical mining expenditure” in subsection 127 (9) of that Act, were read as a reference to “Ontario”; and
- (b) the amount of the individual's flow-through critical mineral mining expenditure for the year were reduced by the amount of any government assistance or non-government assistance in respect of expenses included in the individual's flow-through critical mineral mining expenditure for the year that, on the individual's filing-due date for the year, the individual has received, is entitled to receive or may reasonably expect to receive.

**(6) Subsection 103 (5) of the Act is amended by adding “and eligible Ontario critical mineral exploration expenditures” before “for a taxation year”.**

**Commencement**

**6 (1) Except as otherwise provided in this section, this Schedule comes into force on the day *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.**

**(2) Section 1 is deemed to have come into force on January 1, 2009.**

**(3) Section 5 is deemed to have come into force on January 1, 2023.**

**SCHEDULE 14**  
**VAPING PRODUCT TAXATION COORDINATION ACT, 2023**

**Coordinated Vaping Product Taxation Agreement**

**1** (1) The Coordinated Vaping Product Taxation Agreement between the Minister of Finance on behalf of the Crown in right of Ontario and the Minister of Finance for Canada on behalf of the Government of Canada, is ratified and confirmed.

**Amendments**

(2) The Minister of Finance may at any time enter into an agreement with the Minister of Finance for Canada to amend the agreement or any amending agreement.

**Other agreements or arrangements**

(3) The Minister of Finance may enter into such other agreements or arrangements with the Government of Canada as the Minister considers necessary or advisable respecting any matter relating to the Coordinated Vaping Product Taxation Agreement and its implementation.

**Minister may make payments**

(4) The Minister of Finance is authorized to make payments from the Consolidated Revenue Fund in accordance with the Coordinated Vaping Product Taxation Agreement, and any agreement entered into under subsection (3), from amounts appropriated by the Legislature for those purposes.

**Commencement**

**2** The Act set out in this Schedule comes into force on the day the *Building a Strong Ontario Together Act (Budget Measures), 2023* receives Royal Assent.

**Short title**

**3** The short title of the Act set out in this Schedule is the *Vaping Product Taxation Coordination Act, 2023*.