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Monday 30 May 2016

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des débats
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Lundi 30 mai 2016

**Standing Committee on
General Government**

Smoke-Free Ontario
Amendment Act, 2016

**Comité permanent des
affaires gouvernementales**

Loi de 2016 modifiant la Loi
favorisant un Ontario sans fumée

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 30 May 2016

Lundi 30 mai 2016

The committee met at 1401 in committee room 2.

**SMOKE-FREE ONTARIO
AMENDMENT ACT, 2016**

**LOI DE 2016 MODIFIANT LA LOI
FAVORISANT UN ONTARIO SANS FUMÉE**

Consideration of the following bill:

Bill 178, An Act to amend the Smoke-Free Ontario Act / Projet de loi 178, Loi modifiant la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): Good afternoon, everyone. How is everyone today?

Ms. Ann Hoggarth: Oh, wonderful.

The Chair (Mr. Grant Crack): I love to hear it.

I'd like to call the Standing Committee on General Government to order. I'd like to welcome you all this afternoon. Today we are going to do clause-by-clause consideration of Bill 178, An Act to amend the Smoke-Free Ontario Act.

Interjections.

The Chair (Mr. Grant Crack): I was just waiting for some order here in order to proceed, but thank you very much.

Are there any questions or comments concerning Bill 178, An Act to amend the Smoke-Free Ontario Act? There being none, then we shall get down to business, which is clause-by-clause consideration.

We will deal with section 1 first. There is an amendment, which is PC motion number 1, which is an amendment to section 1. Mr. Yurek.

Mr. Jeff Yurek: Speaker, I move that subsection 2(2) of the Smoke-Free Ontario Act, as set out in section 1 of the bill, be amended by striking out "This act applies to prescribed products and substances" at the beginning and substituting "This act applies to the by-product of combusted prescribed products and substances".

The Chair (Mr. Grant Crack): Further discussion? And prior to that, thank you for calling me the Speaker, but I am the Chair, just to clarify that for Hansard.

Mr. Jeff Yurek: It makes it so much easier when you have the same title.

The Chair (Mr. Grant Crack): We can work on changing that, sir.

Further discussion? Mr. Yurek.

Mr. Jeff Yurek: This amendment just further clarifies the act by specifying that the intended target of the

smoke-free bills is to target the by-product of combustion of the prescribed products and substances. This bill would treat the difference between what is smoke and what is vapour, which is not a by-product of combustion.

The Chair (Mr. Grant Crack): Further discussion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I feel that, really, when we're looking at this motion, in some ways it's kind of redundant because, as we all know, these are amendments to the Smoke-Free Ontario Act, which clarifies right off the bat that we're dealing with combusted products, essentially. I feel that in many ways this is redundant.

I understand the member's concerns about vaping, but the whole vaping piece is actually being handled by another piece of legislation.

In my opinion, we are dealing with this the way it should be. It's redundant to refer to the combusted prescribed products when it's really under the Smoke-Free Ontario Act. We will be voting against this motion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 1. Those in favour? Those opposed? I declare PC motion number 1 defeated.

There are no amendments, therefore, to section 1. Is there any further discussion on section 1? There being none, I shall call for the vote. Shall section 1 carry? I declare section 1 carried.

Ms. Ann Hoggarth: Chair?

The Chair (Mr. Grant Crack): Ms. Hoggarth.

Ms. Ann Hoggarth: Could we bundle the ones that there are no amendments to?

The Chair (Mr. Grant Crack): We have a request to bundle sections 2 and 3. Are you also requesting sections 5 through 9?

Ms. Ann Hoggarth: Yes, please.

The Chair (Mr. Grant Crack): We would need unanimous consent for that. Do we have agreement that we bundle those particular sections? We have agreement, so we shall bundle. Thank you, Ms. Hoggarth.

Ms. Indira Naidoo-Harris: Chair, if I could ask a quick question.

The Chair (Mr. Grant Crack): Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I believe you said sections 2 and 3, and then 5 through 9. There is section 4.

The Chair (Mr. Grant Crack): Sorry? I didn't—

Ms. Indira Naidoo-Harris: You're bundling sections 2 and 3.

The Chair (Mr. Grant Crack): Yes.

Ms. Indira Naidoo-Harris: And sections—was it 4 through 9?

The Chair (Mr. Grant Crack): No, 5 through 9.

Ms. Indira Naidoo-Harris: It's 5 through 9. Okay.

The Chair (Mr. Grant Crack): Okay, so we shall deal with sections 2 and 3. There are no amendments to sections 2 and 3. Is there any discussion on sections 2 or 3? There being none, I shall call for the vote. Shall sections 2 and 3 carry? I declare sections 2 and 3 carried.

We have two amendments in section 4. We have the first amendment, which is PC motion number 2, which is an amendment to section 4, creating new subsection 12.1 of the Smoke-Free Ontario Act. Mr. Yurek.

Mr. Jeff Yurek: I move that section 12.1 of the Smoke-Free Ontario Act, as set out in section 4 of the bill, be amended by adding the following subsection:

“Application

“(1.1) Despite subsection (1), this section does not apply to the smoking of medical marijuana or to the holding of lighted medical marijuana in,

“(a) a private dwelling; or

“(b) a vape lounge or compassion lounge that provides an indoor space for individuals to consume medical marijuana.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Yurek.

Mr. Jeff Yurek: This amendment basically allows those who need to use medical marijuana to access it in their homes or in vape lounges or compassion lounges. We feel there shouldn't be any restrictions infringing on the rights of individuals to use their medication in a private dwelling, regardless of their living situation and/or the municipal bylaws.

We also feel that vape lounges are intended to provide a safe space for those who are using medical marijuana to medicate, due to the restrictions on where they may use their medication. We do like to highlight that there's a growing number of those on palliative care who are accessing medical marijuana to ease their symptoms.

We also note that those visiting vape lounges do have a reasonable expectation and know ahead of time that marijuana will be consumed at the location. So this won't be a surprise to anyone, if there's a legalized vape lounge available for people to access their medical marijuana. It's not going to be a surprise to anybody to walk in and know that medical marijuana would be consumed on those premises, so it shouldn't come as a shock to anyone. It provides a reasonable place for those who do need to use their medication, a place for them to actually partake, ensuring that their symptoms and/or disease or state is relieved by the use of their medication.

The Chair (Mr. Grant Crack): Further discussion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I want to thank the member opposite for his comments. I just want to point out that in this motion, the reference to “private dwelling”—really, our legislation is not covering private dwellings at all. I don't think we want to get into creating

amendments and exemptions referring to private dwellings. I think that's outside the scope of what we're talking about here with this particular bill.

In addition, once again, the reference to vape lounges: There's a totally different statute that's going to be covering that. So I think that's also outside of the scope of what we're talking about here. It doesn't really refer to what we're looking at here.

Finally, compassion lounges: I realize that this is a concern and something that the member opposite wants to raise. I think we have to approach this with caution because this is a bill, which means that it has very broad ramifications. What I think the member opposite wants to talk about here is ensuring that we are putting in place regulations that cover certain areas. So I think when you're talking about a compassion lounge or a medical marijuana lounge, it really gets into what the definition is of those things, and they should be defined specifically in certain ways. I think that creates a problem for us when we're dealing with a bill. We really need to be looking at this more in the regulations area.

1410

My recommendation is that while I understand what his concerns are, I think that the references specifically to compassion lounges and medical marijuana lounges—it would be more appropriate to deal with those in the regulations aspect of all of this. So I recommend voting against this motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yurek.

Mr. Jeff Yurek: This amendment is clearly trying to ensure that those that need to use their medical marijuana have a place where they can go, a safe place that's outside of public viewing, that isn't banned due to other regulations, and have access to their medication. As I said before, a vape lounge or compassion lounge can be very easily defined in the regulations or set forth some standards put forth as they're developed with consultation with those that would be involved.

We're just trying to ensure that those that need access to their medication are able to do so and do so in safe manner, ensuring, as the gentleman who spoke earlier mentioned, that the onset of epilepsy or, as I mentioned earlier, those on palliative care who are out trying to live their lives to the fullest are able to have the option to utilize their medication when they need to in a safe place. As opposed to the private dwelling, as we said before, we are looking to ensure that there are no restrictions on rights of individuals who use medication in a private dwelling. We would hope the government would rethink their opposition to this amendment.

The Chair (Mr. Grant Crack): Further discussion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I thank the member opposite. Again, I understand his concerns about the compassion lounges and medical marijuana lounges. I just feel that the decisions in terms of how we define it and what the regulations should be are better dealt with in the regulations aspect, not in the broader bill. So I think it's

appropriate that those discussions happen on that level. And, yes, in terms of private dwellings, we're not attempting to go into private dwellings with this at all.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 2. Those in favour of PC motion number 2? Those opposed? I declare PC motion number 2 defeated.

We shall move to PC motion number 3, which is an amendment to section 4, creating new subsection 12.1(1.2) of the Smoke-Free Ontario Act. Mr. Yurek.

Mr. Jeff Yurek: I move that section 12.1 of the Smoke-Free Ontario Act, as set out in section 4 of the bill, be amended by adding the following subsection:

“Application

“(1.2) Despite clause (1)(a), this section does not apply to the smoking of medical marijuana, or to the holding of medical marijuana, in an enclosed workplace by an employee if an employer who exercises control over the enclosed workplace declares the workplace to be medical-marijuana friendly.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Yurek.

Mr. Jeff Yurek: This amendment basically allows the option for employers to accommodate the use of medical marijuana by their employees. It gives the business owners the freedom to decide whether or not they will accommodate employees who are medical marijuana users. We did hear from a fibromyalgia sufferer during this section that he was able to return to full-time work for the first time since 2001 because his employer accommodated his medical marijuana use. We want to ensure that employers are given the freedom to allow that with their employees, and give employees a chance to return to as much of a full lifestyle as they can—those who have to use medical marijuana.

The Chair (Mr. Grant Crack): Further discussion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Once again, I do understand MPP Yurek's concerns about this and specifically about medical-marijuana-friendly spaces in the workplace. I think we have to be really careful when we move forward with something like this because what we're really doing is creating the possibility of workplace challenges. In an attempt to make things easier on the one hand, we may be creating more challenges on the other.

I believe that it would be more appropriate for these kinds of designations to be determined in regulation. After all, this is a workplace, so the Occupational Health and Safety Act would also have to be considered. I think it's problematic because, for example, there may be employees who are working in the same space who do not wish to be exposed to second-hand marijuana smoke. We have to ensure that the regulations are specific and defined carefully and clearly. I don't think it should be done here.

The Chair (Mr. Grant Crack): Further discussion? There being no further discussion, I shall call for the vote on PC motion number 3. Those in favour of PC motion number 3? Those opposed? I declare PC motion number 3 defeated.

Section 4: There were no amendments that had passed. Is there further discussion on section 4 in its entirety? There being none, I shall call for the vote. Shall section 4 carry? Those in favour? I declare section 4 carried.

There was a request to bundle sections 5 through 9. Is there any discussion on any aspect of sections 5 through 9? There being none, I shall call for the vote. Shall section 5, section 6, section 7, section 8 and section 9 carry? I declare section 5, section 6, section 7, section 8 and section 9 carried.

Mr. Lou Rinaldi: I'm so impressed you can count.

The Chair (Mr. Grant Crack): Thank you very much, MPP Rinaldi. I appreciate it.

We shall move to the title of the bill. Are there any discussions on the title of the bill? There are no amendments, so I shall call for the vote. Shall the title of the bill carry? I declare the title of the bill carried.

There were no amendments to Bill 178. Is there any discussion on Bill 178 in its entirety? There being none, I shall call for the vote on Bill 178. Shall Bill 178 carry? I declare Bill 178 carried.

Most importantly, shall I report the bill to the House? Does that carry? I hear, “Carried.” I shall report the bill to the House. Carried.

There is no further business to conduct this afternoon. I want to thank all members for their hard work—and support staff, Clerk's office, Hansard—everyone who is here. Have a great afternoon. I declare this meeting adjourned.

The committee adjourned at 1417.

CONTENTS

Monday 30 May 2016

Smoke-Free Ontario Amendment Act, 2016, Bill 178, Ms. Damerla / Loi de 2016
modifiant la Loi favorisant un Ontario sans fumée, projet de loi 178, Mme DamerlaG-1135

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