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# Bill 242

## **An Act to enact the Restricting Public Consumption of Illegal Substances Act, 2024 and to amend the Trespass to Property Act respecting sentencing**

**The Hon. P. Calandra**  
Minister of Municipal Affairs and Housing

### **Government Bill**

1st Reading      December 12, 2024  
2nd Reading  
3rd Reading  
Royal Assent



## EXPLANATORY NOTE

### **SCHEDULE 1 RESTRICTING PUBLIC CONSUMPTION OF ILLEGAL SUBSTANCES ACT, 2024**

The Schedule enacts the *Restricting Public Consumption of Illegal Substances Act, 2024*.

Subject to specified exemptions, the Act prohibits the consumption of an illegal substance in a public place.

The Act provides that a “public place” is a place to which the general public is invited or permitted. It includes any structure, such as a tent, used as a dwelling in a public place, if its use as a dwelling in the public place is not permitted by law.

A police officer or prescribed provincial offences officer may issue directions to a person if the officer has reasonable grounds to believe that the person is consuming an illegal substance in a public place. The person may be directed to cease consuming the illegal substance in the public place. The person may be directed to leave the public place. Finally, the person may be directed to provide their full name, date of birth and address. The officer may also seize, remove and destroy substances they reasonably believe to be illegal substances. Seized substances may be submitted for analysis by designated analysts.

It is an offence to fail to comply with a direction. An officer may arrest, without warrant, a person who the officer believes on reasonable grounds is guilty of an offence. A person convicted of an offence is liable to a fine of not more than \$10,000 or to imprisonment for not more than six months, or both.

The Lieutenant Governor in Council is given authority to make regulations respecting various matters under the Act.

### **SCHEDULE 2 TRESPASS TO PROPERTY ACT**

Section 2 of the *Trespass to Property Act* establishes a trespass offence, and sets out a penalty on conviction of a fine of not more than \$10,000. The Schedule amends section 2 by adding two aggravating factors that must be considered in the court’s determination of a penalty under that section:

1. The defendant was given notice to leave the premises and was on the premises in contravention of section 2 after the applicable period of time, regardless of whether the defendant left the premises in the interval.
2. At the time of sentencing, the court finds that the defendant is likely to trespass at any time in the future.

In addition, a small number of corrections and updates are made to the French version of the Act.

**An Act to enact the Restricting Public Consumption of Illegal Substances Act, 2024  
and to amend the Trespass to Property Act respecting sentencing**

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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 *Safer Municipalities Act, 2024*.**

**SCHEDULE 1**  
**RESTRICTING PUBLIC CONSUMPTION OF ILLEGAL SUBSTANCES ACT, 2024**

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**Definitions**

**1** In this Act,

“dwelling” includes a temporary structure, such as a tent, that is used as a dwelling; (“habitation”)

“emergency services” means medical, law enforcement or fire department emergency services; (“services d’urgence”)

“illegal substance” means any substance in respect of which possession is prohibited under subsection 4 (1) of the *Controlled Drugs and Substances Act* (Canada); (“substance illégale”)

“Minister” means the Solicitor General or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“officer” means a police officer or a prescribed provincial offences officer; (“agent”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“provincial offences officer” means a person mentioned in any of clauses (b) to (f) of the definition of “provincial offences officer” in subsection 1 (1) of the *Provincial Offences Act*; (“agent des infractions provinciales”)

“public place” means, subject to the regulations, if any, a place to which the general public is invited or permitted and includes any structure used as a dwelling in a public place if its use as a dwelling in the public place is not permitted by law; (“lieu public”)

“regulations” means the regulations made under this Act; (“règlements”)

“supervised consumption site” means a site in respect of which the federal Minister of Health has granted an exemption to allow activities at the site in relation to a controlled substance or precursor that is obtained in a manner not authorized under the *Controlled Drugs and Substances Act* (Canada),

(a) under section 56.1 of the *Controlled Drugs and Substances Act* (Canada), in circumstances where the federal Minister of Health is of the opinion that the exemption is necessary for a medical purpose, or

(b) under subsection 56 (1) of the *Controlled Drugs and Substances Act* (Canada), in circumstances where the federal Minister of Health is of the opinion that the exemption is necessary for a scientific purpose or is otherwise in the public interest. (“site de consommation supervisée”)

**Prohibition, consumption of illegal substance in public place**

**2** (1) Subject to subsections (2) and (3), no person shall consume an illegal substance in a public place.

**Exemptions**

(2) Subsection (1) does not apply if any of the following circumstances apply:

1. The illegal substance is used within a supervised consumption site.
2. The person is permitted to possess the illegal substance in the public place pursuant to authority granted under an Act of Ontario or Canada.
3. A prescribed exemption applies.

**Same, person seeking emergency services**

(3) No person who seeks emergency services shall be charged with or convicted of an offence under this Act if the evidence in support of that offence was obtained or discovered as a result of that person having sought emergency services or having remained at the scene.

**Same, person at scene**

- (4) The exemption under subsection (2) also applies to any person who has remained at the scene to,
- (a) assist anyone experiencing an emergency or providing emergency services; or
  - (b) receive emergency services.

**Direction given by officer**

**3** (1) If an officer has reasonable grounds to believe that a person is consuming an illegal substance in a public place in contravention of subsection 2 (1), the officer may do one or both of the following:

1. Direct the person to cease consuming the illegal substance in the public place.
2. Direct the person to leave,
  - i. the public place, or
  - ii. a part of the public place, such as a structure being used as a dwelling where its use as a dwelling in the public place is not permitted by law.

**Compliance**

(2) A person who is the subject of a direction under subsection (1) shall promptly comply with the direction.

**Offence**

(3) A person who fails to comply with subsection (2) is guilty of an offence.

**Direction to identify**

**4** (1) If an officer has reasonable grounds to believe that a person is guilty of an offence under subsection 3 (3), the officer may, for the purpose of commencing a proceeding under Part I or III of the *Provincial Offences Act*, direct the person to provide their full name, date of birth and address.

**Compliance**

(2) A person who is the subject of a direction under subsection (1) shall promptly comply with the direction.

**Offence**

(3) A person who fails to comply with subsection (2) is guilty of an offence.

**Arrest without warrant**

**5** An officer may arrest, without warrant, a person who the officer believes on reasonable grounds is guilty of an offence under this Act.

**Seizure, destruction of substance**

**6** (1) If an officer believes on reasonable grounds that a person is guilty of an offence under this Act, the officer may do one or both of the following:

1. Immediately seize and remove any substances found in plain view and proximate to the person, and any packages containing those substances, if the officer has reasonable grounds to believe the substances are illegal substances.
2. Destroy any seized substances mentioned in paragraph 1.

**Same**

(2) For greater certainty, subsection (1) applies regardless of the amount of substances found.

**Officer may submit substance to analyst**

**7** (1) An officer may submit to an analyst for examination or analysis any substance or sample of the substance seized by the officer under this Act.

**Certificate of analysis, examination**

(2) An analyst may issue a certificate of analysis or examination stating that the analyst has analyzed or examined a substance and stating the results of the analysis or examination.

**Same**

(3) A certificate mentioned in subsection (2) is proof of the facts certified in it.

### **Designation of analysts**

**8** For the purpose of the enforcement of this Act, the Minister may designate individuals or classes of individuals as analysts.

### **Penalty**

**9** A person convicted of an offence under this Act is liable to a fine of not more than \$10,000 or to imprisonment for not more than six months, or both.

### **Regulations**

**10** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that is referred to in this Act as prescribed or as otherwise dealt with in the regulations;
- (b) with respect to the definition of “public place” in section 1,
  - (i) prescribing locations or classes of locations that are not public places, and
  - (ii) clarifying that specified locations or classes of locations are public places;
- (c) governing the giving of directions under subsection 3 (1) or 4 (1) or seizures under subsection 6 (1), including,
  - (i) specifying conditions that must be met before a direction may be given or a seizure may be made, and
  - (ii) specifying a period of time after an officer first has reasonable grounds to believe a person is guilty of an offence under this Act, after which a direction may not be given or a seizure may not be made in relation to the offence;
- (d) prescribing circumstances in which an officer who reasonably believes a person is guilty of an offence under this Act is authorized to take the person into custody for the purpose of escorting them to a place described in subsection (2) in lieu of commencing a proceeding under Part I or III the *Provincial Offences Act* in respect of the offence;
- (e) governing the powers and duties of an officer who escorts a person to a prescribed location pursuant to a regulation made under clause (d);
- (f) respecting any matter that, in the opinion of the Lieutenant Governor in Council, is necessary or advisable to implement this Act effectively.

### **Same, cl. (1) (d)**

(2) For the purposes of a regulation mentioned in clause (1) (d), the place must provide one or more of the following services:

1. Health services.
2. Community services.
3. Social services.
4. Shelter services.
5. Housing services.
6. Mental health services.
7. Addiction services.
8. Services similar to those described in paragraphs 1 to 7.

### **Commencement**

**11** The Act set out in this Schedule comes into force on the day the *Safer Municipalities Act, 2024* receives Royal Assent.

### **Short title**

**12** The short title of the Act set out in this Schedule is the *Restricting Public Consumption of Illegal Substances Act, 2024*.

**SCHEDULE 2  
TRESPASS TO PROPERTY ACT**

**1 The French version of clause (a) of the definition of “occupier” in subsection 1 (1) of the *Trespass to Property Act* is amended by striking out “possession physique” and substituting “possession matérielle”.**

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

**Aggravating factors**

(3) Each of the following circumstances shall be considered an aggravating factor for the purposes of determining a penalty under subsection (1):

1. An occupier of the premises or a person authorized by an occupier of the premises gave notice that directed the defendant to leave the premises, and the defendant was on the premises in contravention of subsection (1) more than 24 hours after the notice was given or, if the occupier or person specified a longer period when giving the notice, after that period.
2. At the time of sentencing, the court finds that the defendant is likely to contravene subsection (1) at any time in the future.

**Same**

(4) Paragraph 1 of subsection (3) applies with respect to a defendant who is on the premises after the applicable period even if the defendant left the premises at any time after the notice was given.

**3 The French version of subsection 9 (3) of the Act is repealed and the following substituted:**

**Arrestation réputée faite**

(3) L’agent de police qui se voit confier la garde d’une personne aux termes du paragraphe (2) est réputé avoir procédé à l’arrestation de la personne pour l’application des dispositions de la *Loi sur les infractions provinciales* concernant sa mise en liberté ou le maintien de sa détention et de son cautionnement.

**Commencement**

**4 This Schedule comes into force on the day the *Safer Municipalities Act, 2024* receives Royal Assent.**