

2018 OAAS CONVENTION Fair's and Marijuana

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- The information provided here after was up to date as per the presentation date. Due to ever evolving legislative changes at the Federal, Provincial and Municipal level you should contact each level of government regularly for updated changes.
- This presentation is for information purposes, and any policy, rules, regulations or procedures to be implemented by your organization should be reviewed by a lawyer or similar professional body.

- As Canada prepares to become the first G7 country to legalize the consumption and sale of recreational marijuana, lawyers and insurance providers are preparing for the impact of the legalization on labour and employment law from a workplace safety perspective.
- This new legalization most definitely will affect all non-profits, charities and Agricultural Societies.
- Your Policies, Procedures, Safety and Risk Management guidelines should now be looked at and revised.

Background: Dealing with Feds and The Province

- **Feds:** In April 2017, the federal government introduced legislation to legalize and regulate recreational cannabis in Canada by July 2018. If passed, the proposed federal Cannabis Act would create rules for producing, possessing and selling cannabis across Canada.
- **Province: 19+ only**
- It will be illegal for people under the age of 19 to buy, sell, have and share recreational cannabis.
- This is the same as the minimum age for the sale of tobacco and alcohol in Ontario.
- **Retail and online ordering:** The Liquor Control Board of Ontario (LCBO)

Province

- **Cannabis will not be sold in the same stores as alcohol.**
- online distribution to be available across the province by July 2018
- about 40 stand-alone cannabis stores open by July 2018
- 80 stores open by July 1, 2019, and 150 stores open by 2020
- Ontario recognizes the need to meaningfully engage with First Nations, Métis and Inuit organizations and peoples about cannabis legalization

Public Use: Under the new rules, you will

- ▶ only be permitted to use recreational cannabis in a private residence
- ▶ not be allowed to use recreational cannabis in:
 - ▶ any public place
 - ▶ workplaces
 - ▶ motorized vehicles
- ▶ People who are authorized to have and use medical cannabis will be subject to the same rules as tobacco smoking and electronic cigarette use.
- ▶ Medical users will not be allowed to smoke or vape medical cannabis in enclosed workplaces, enclosed public places, motor vehicles and other smoke-free places

New Laws: Roads

- drug-impaired driving laws even tougher, including:
- enhancing existing impaired driving penalties
- creating a zero-tolerance approach for young, novice and commercial drivers

So, what does this all lead too?

- ▶ adults in Canada will be allowed to legally engage in the following activities:
- ▶ Purchase fresh or dried cannabis, cannabis oil, plants and seeds for cultivation from either a provincially or territorially regulated retailer
- ▶ Possess up to 30 grams of dried legal cannabis or equivalent in public;
- ▶ Share up to 30 grams or equivalent of legal cannabis and legal cannabis products with other adults

- Cultivate up to 4 plants in their own residence (4 plants total per household);
- allows for individuals to cultivate up to 4 legal cannabis plants per residence anywhere on their property. Provinces, territories or municipalities may choose to place further restrictions on personal cultivation
- Alter cannabis at home in order to prepare varying types of cannabis products (e.g., edibles)

Will the sale of cannabis edibles be permitted?

- ▶ The Government has indicated that it intends to add cannabis edible products and cannabis concentrates to the list of products permitted for legal sale following the coming into force of the proposed legislation

- Edibles can be:
 - Cookies, brownies, candy, drinks
- All of these items can be manufactured and packaged

So what does all this mean for my fair

- Start Preparing
- Start Discussions with: Police, Municipality, local Health Unit
- Look to the local Health Unit, Municipality, and Alcohol and Gaming for advice on identifying and dealing with “high” individual's.
- Employees and Volunteers: they are considered one, and **Yes** your board is an Employer
- Employers should regularly review ongoing legislation and legal developments and update their policies accordingly.

So what does all this mean for my fair

- The Marijuana Doctors Note: Medical Marijuana.
- First, a prescription for cannabis does not entitle the employee to smoke or ingest in the workplace. Smoke-free laws apply to smoking marijuana in the same way they do to smoking regular cigarettes. Employers should update any smoking policies and ingestion policies to make note of this.
- law confirms that the role of the employer is to accommodate the employee's needs, not their preference

- Employers should enact a clear drug policy that includes the definition of “impairment” in a way that captures medical marijuana use and when/where it is acceptable.

Medical Marijuana: Public

- ▶ Medical marijuana users with a doctor's prescription are exempt from the laws that prohibit cigarette smoking and e-cigarette vaping in most public places in Ontario as of now.....
- ▶ As an employer, a restaurant owner, a festival etc, you can say that there is no vaping, no smoking of medical marijuana on your premises.....BUT, A strong policy, with the backing of the police, local health unit and the Municipality is important.
- ▶ Also consider by not allowing are you violating someone's rights?
- ▶ There are approx. 235,000 medical users

Remember: Vaping and edibles

- Be cautious before accusing anyone of using marijuana in public
- Designate hired Security or Police as the investigators
- Smart Serve: If you think someone is intoxicated or “high”, don’t serve them
- Train staff, and volunteers
- Do not use defaming words

Another Challenge is maybe an Opportunity



Emerging Competition

- The State of Oregon has allowed medical cannabis use for over 20 years
- 5 years ago the state legalized.
- Taxation revenue is huge
- The Department of Agriculture has declared it a crop
- Oregon State Fair started cannabis displays two years ago, and attendance and the attraction to the display has grown steadily.
- Ontario has not commented yet on its stance on the crop or for display
- plants could yield between one and one-and-a-half pounds of bud—roughly \$2,400 to \$3,600 per plant.

Questions:

- Government resources:
- <https://www.ontario.ca/page/cannabis-legalization>
- <http://health.canada.ca/en/services/health/campaigns/marijuana-cannabis.html>
- <https://www.agco.ca/>