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Smoking By-law Public Education Campaign and one-year following “opting out” of Retail Cannabis Stores Information Report to Council

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In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Executive Summary

This report provides Council and the public with information on the education campaign related to the Smoking By-law that has taken place to date and serves to report back on the status of cannabis stores in Ontario after one-year. Key highlights from this report include:

- The Town hired two Public Information Ambassadors to conduct the public education on the Smoking By-law, which included in-person outreach as well as an online presence using the Town’s website and social media platforms.
- Enforcement of the Smoking By-law is complaint based.
- Education remains an ongoing process for both the general public and private property owners.
- Complaints regarding licensed retail cannabis stores are received and investigated by the Alcohol and Gaming Commission of Ontario.
- In December 2019, the provincial government announced changes to the lottery system for applications.
- Staff continue to monitor legislation regarding the sale and distribution of cannabis products and will seek Council direction whenever necessary.

Purpose

The purpose of this report is to: 1) document the progress of the public education campaign for [Smoking By-law 2019-31](#) and Town-led education around the [Smoke-Free](#)

[Ontario Act, 2017](#) (the “Smoke-Free Ontario Act”); and, 2) report to Council one-year following its decision to “opt out” of cannabis retail stores.

Background

On May 27, 2019, Town Council passed By-law 2019-31 to address the public consumption and usage of legal cannabis, and to update the Smoking By-law to ensure consistency with the Smoke Free Ontario Act. In general, the By-law prohibits smoking and/or vaping of tobacco, cannabis and any other substances on all Town-owned property. The only exceptions are if a person is smoking or vaping at a permanent or temporary Designated Smoking Area established by the Town, or is permitted by provincial law or a court order to smoke cannabis for medical purposes in public places that the Town’s By-law would otherwise restrict.

As with other by-laws, a period of public education is undertaken prior to enforcement being initiated. Accordingly, the Town hired two Public Information Ambassadors (the “Ambassadors”) whose responsibility was to educate the public, staff and business owners on the new regulations outlined in the Smoking By-law and the Smoke Free Ontario Act.

The second half of this report serves to update Council and the public on one-year following Council’s decision to “opt out” of allowing retail cannabis stores to operate in Newmarket.

Discussion

1. Methods of Public Education on Smoking By-law

a) Online Platforms

The Ambassadors used various online platforms to make information on the Smoking By-law and the Smoke Free Ontario Act accessible. This included a website page and social media outreach. A dedicated webpage was created to outline the background of the Smoking By-law, provide frequently asked questions pertaining to the Town’s regulations for smoking, along with links to additional information such as the Smoke Free Ontario Act, the Smoking By-law, and resources provided by York Region Public Health. Throughout the summer the Ambassadors encouraged the public to refer to the Town’s website newmarket.ca/smokefree for additional resources and information.

The Town’s Twitter and Facebook platforms were used to launch a social media education campaign. On these platforms, the Ambassadors introduced the new Smoking By-law, listed the events where information would be provided and administered weekly questionnaires to quiz the public on their knowledge of smoking regulations in Newmarket.

Website – newmarket.ca/smokefree

There were a total of 383 views on the Town’s dedicated webpage newamrket.ca/smokefree, and on average, individuals spent 3 minutes and 3 seconds on the site. The time spent is above the average compared to other

webpages on the Town's website, indicating that the content was relevant to the audience.

Twitter

A total of 6 tweets were posted on the Town's Twitter account, and they were seen a total of 8,243 times. The [tweet](#) with the highest engagement had a rate of 6.7% compared to an average of 2.4%.

Facebook

One Facebook [post](#) was made and it reached 2,531 people on that platform. There were 339 occurrences where individuals reacted by sharing the posting, commenting on it, or clicking the link associated with the post.

b) In-person Public Outreach

The Ambassadors were present at various events, held information booths at Town facilities, and conducted trail and park patrols with By-law officers throughout the summer. The methods of outreach used by the Ambassadors varied from walking around onsite to more formal information booths. In both methods, the Ambassadors presented information on the Smoking By-law and the Smoke-Free Ontario Act, addressed any Smoking By-law violations and informed the public of the permitted and prohibited areas to smoke in Newmarket. Additionally, the Ambassadors recorded the public's common misconceptions pertaining to the Smoking By-law and tracked public feedback.

The events and facilities attended by the Ambassadors that generated significant feedback were the Newmarket Music Series, the Canada Day booth held at Riverwalk Commons, and the Newmarket Farmers' Market. The event that had the largest public attendance and most suitable demographic specific to this By-law was the Newmarket Music Series, resulting in the most effective and widespread outreach. An information card was developed and used to distribute to individuals who attended these events (see **Attachment 1**). Copies of these cards were also made available in areas that the public typically looks for information such as information centres and customer service counters within all Town facilities.

The Ambassadors also used a passive form of public education which was a display case located at the main entrance of the Newmarket Public Library. This display case outlined the most important information pertaining to the Smoking By-law, while also providing additional resources for further information (see **Attachment 2**).

The Ambassadors have reached out to business owners in Newmarket, specifically the Main Street area, to ensure that they are aware of the Smoke Free Ontario Act, and the Smoking By-law regulations that they must be complying with and enforcing if need be. As well, business owners were provided with additional resources and contact information if assistance is required on their property pertaining to the Smoking By-law or the Smoke Free Ontario Act.

c) Signage

Outdated signage that contradict the Smoking By-law continue to be identified and will be replaced with the appropriate signs at Town facilities. Temporary signage has been put in place at facilities that have the highest public usage and will remain up until permanent signage has been developed and implemented at all Town facilities.

d) Internal Training

The Ambassadors conducted Smoking By-law training sessions with various Town departments, such as Public Works Services and Customer Service employees. The goal of the training sessions was to ensure that all Town staff were familiar with the changes, that staff understood where smoking is now prohibited and permitted, and that they were able to address any questions from the public pertaining to the Smoking By-law. Each presentation was tailored to the different audiences and what their responsibilities would be as staff. All presentations included the same key points of the Smoking By-law and the Smoke-Free Ontario Act.

The information training sessions were held on several dates and times to make attendance accessible to every employee. During these information sessions feedback was tracked to help the Ambassadors understand the common misconceptions and concerns Town staff had. This helped to inform future presentations and educational initiatives. All content provided in the information sessions were distributed to the Strategic Leadership Team, Operational Leadership Team, and made available on the Town employee communication platform, Town Central, for accessible reference for all staff.

The content that was distributed and made available on Town Central was referred to as the Supervisor's Resource Kit. This Kit consisted of an information postcard, frequently asked questions and answers, the Smoking By-law, relevant workplace policies, and a link to a summary of the Smoke Free Ontario Act. The Supervisor's Resource Kit was modified and distributed to the tenants leasing out 395 Mulock Drive.

e) Partnerships

The Ambassador's major partnerships were with the Town's Customer Service Department, York Regional Police and York Region Public Health.

Each collaboration was crucial to the education campaign, as the Public Information Ambassadors referenced these partnerships in various ways throughout their campaign. York Regional Police and Customer Service assisted with developing the complaint procedures for the Town. York Regional Police were consulted to ensure there was a clear understanding as to when their officers would be required to assist and when it would be a Municipal Enforcement Officer's jurisdiction.

The third partnership that the Public Information Ambassadors acquired for the education campaign was with York Region Public Health. This partnership was especially important for discussions with Town Facility staff. York Region Public Health provided insight into the rationale behind some of the Smoke-Free Ontario Act regulations, and the appropriate language to be used when explaining this to Town staff. Additionally, York Region Public Health aided the Public Information Ambassadors by

providing their help and contact information to be accessible for Town staff and the public.

1.1 Public Feedback on Smoking By-law

Common Misconceptions

There were three common themes that emerged while the public education campaign was underway. First, the public was most often unaware that the By-law includes all Town parks and trails. Some believed that only the trails near parks or by recreation areas were smoking prohibited areas. Second, many did not think that electronic cigarettes or 'vapes' were included in the By-law, because they are not the 'traditional' cigarette. Third, parents expressed their concerns that the public is still unaware that smoking close to outdoor sports areas, such as soccer fields and baseball diamonds, are also areas where smoking is prohibited.

Common Concerns

Data collected by the Ambassadors has suggested that the public's most common concerns are related to enforcement and private property. The Ambassadors have informed the public that enforcement will be complaint-based. As a result of this concern, internal staff meetings have been held to develop a standard approach to responding to Smoking By-law complaints. In terms of private property concerns, the public has been informed that private property is not included in the Town's Smoking By-law and is only addressed in the Smoke-Free Ontario Act. At this time the Town of Newmarket has limited authority for complaints involving smoking and vaping of tobacco and cannabis on private property and can only respond if the complaint interferes with an additional By-law matter or violation.

Complaints Received by the Town

The Customer Service Department received complaints regarding smoking and vaping, and it has been broken down into the following 3 categories:

- Prior to October 17, 2018 - 2 smoking and/or vaping complaints were received.
- Between October 18, 2018 and June 1, 2019 - 46 smoking and/or vaping complaints were received.
- Between June 2, 2019 and September 1, 2019 - 3 smoking and/or vaping complaints and 4 Smoking By-law inquiries were received.

It is possible that the number of complaints went down after June 1, 2019 because the Ambassadors were out conducting in-person public education and answering individuals' questions regarding the smoking or vaping in Newmarket.

2. Report One-Year Following Council’s Decision to “Opt Out” of Retail Cannabis Stores

Council Motion

In late 2018 and early 2019, staff undertook consultation and research on the new provincial recreational cannabis distribution system. Following a Council workshop, Public Information Centre, and public surveys, at its special Council meeting on January 15, 2019 Council adopted a motion to “opt out” of cannabis retail stores being permitted to operate in Newmarket under the Cannabis Licence Act. In addition to this motion, staff were directed to:

“continue to review information regarding cannabis retail stores as it becomes available as well as the experiences of other comparable municipalities to be brought back to Council in the form of a report approximately one year from today [January 15, 2019] for further consideration.”

Following Council’s decision, the Alcohol and Gaming Commission of Ontario proceeded with the licencing lottery system that was discussed in [Report 2019-5](#).

Complaints are Received by the Alcohol and Gaming Commission (AGCO)

Town Staff contacted municipalities with retail cannabis stores to understand their experience since the stores opened. These municipalities did not track the types of complaints they were receiving about the retail stores as the AGCO is responsible for the intake and investigation of complaints against stores in Ontario. Accordingly, Town staff contacted the AGCO to inquire about the complaints they have received to-date.

A total of 37 complaints between April 1 and December 4, 2019, which were made against 16 different stores. The details about these complaints is listed in **Table 1** below. It is important to note that the 37 complaints does not distinguish between those complaints that could not be substantiated or complaints that were deemed to be without merit.

Table 1 – Cannabis-related complaints regarding licensed store locations (April 1, 2019 to December 4, 2019)

Type of Complaint	Number of Complaints
Accessibility	3
Advertising	4
Illegal Activity/ Public Safety	2
Location	1
Operation	12
General/Other	0
Inducements	5
Product	8
Referrals to Other Organizations	1
Selling to Minors	1

“Operation” refers to complaints that are related to dissatisfaction with the stores operating hours or a compliance issue with the retail store operation. Inducements refers to locations that are providing cannabis or cannabis accessories free of charge or provide any other thing or benefit. It can also refer to a complaint that a licensee is allegedly accepting or requesting material inducements from Licensed Producers, their representatives, or suppliers of cannabis accessories.

The AGCO advised that following an investigation of a complaint they have a range of tools to use at their disposal from education and warnings to suspension or revocation of a licence, which all depend on the severity of the infraction.

Provincial Announcement Regarding Opening Retail Market

On December 12, 2019, the province [announced](#) that it will be moving away from the lottery model for retail cannabis stores toward a market-based approach (see **Attachment 3** for full announcement). At this time, there has been no suggestion of removing the ability of municipalities to “opt out” of hosting retail cannabis stores.

Edible Cannabis Products

In October 2019, revisions to Bill C-45 came into effect that legalize the production and sale of cannabis edibles, topicals, and beverages across Canada. In Ontario these products continue to be further regulated in their sale and can only be purchased from the online Ontario Cannabis Store or a licensed retailer. These products are expected to be available in January 2020.

Conclusion

Next Steps for Smoking By-law

The public education period of the Smoking By-law 2019-31 and the Smoke Free Ontario Act will be an ongoing process. As the focus over the summer was public education, Municipal Enforcement Officers will now enforce the regulations, as required.

As a response to common misconceptions, Municipal Enforcement Officers will continue to monitor parks, trails and other public spaces to educate and enforce the Smoking By-law as part of their regular education duties. Additionally, staff will continue to educate private business owners and may use the Newmarket Main Street Business Improvement Area as a conduit to this education campaign.

Next Steps for Retail Cannabis Stores

The internal staff working group, which is comprised of staff from Legislative Services, Legal Services, Planning and Building Services, Public Work Services, Human Resources, Recreation and Culture, Customer Services, and Central York Fire Services will continue to monitor evolving trends and legislation such as regulations around vape products, and edible and topical cannabis products. Staff continue to monitor the field and will report back to Council when direction is required.

Given the significant community interest and engagement during the time in which Council was making its decision to allow or prohibit retail cannabis stores in Newmarket, a link to this report will be sent to all individuals who signed up as interested parties.

Business Plan and Strategic Plan Linkages

The public education campaign aligns with the Town's vision of being a community that is Well Beyond the Ordinary.

Consultation

The public education campaign was developed in consultation with internal stakeholders, York Region Public Health, and York Regional Police. Staff from the internal staff working group were consulted as part of this report.

Human Resource Considerations

There are no human resource considerations related to this report.

Budget Impact

Approximately \$17,000 was spent on the public education campaign; of that, \$16,300 was on the Ambassadors' wages, mileage and uniform costs, and \$700 was spent on educational materials.

Additionally, the Town has spent an estimated \$2,200 on additional signage and waste receptacles for designated smoking areas, and roughly \$17,500 on a telephone survey and legal opinions related to cannabis regulations.

The Town initially received \$37,608 and \$5,000 as secondary funding from the province's Ontario Cannabis Legalization Fund. Staff believe that all the costs outlined in this report qualify to be allocated to the Fund, and included them in [Information Report 2019-30](#) for consideration of the same.

Attachments

Attachment 1 – Information Card

Attachment 2 – Picture of Display Case at Newmarket Public Library

Attachment 3 – Provincial Announcement: Ontario Opening Cannabis Retail Market

Contact

For more information please contact Kiran Saini, Deputy Town Clerk at ksaini@newmarket.ca

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Attachment 1 – Information Card



Because we care.

newmarket.ca/smokefree

A GUIDE TO A SMOKE-FREE NEWMARKET

The Smoke-Free Ontario Act prohibits smoking or vaping of tobacco or cannabis on and within any public space that is 20 metres from:

- Outdoor grounds of town-owned recreational facilities
- Outdoor grounds of publicly owned sports fields and spectator areas
- Outdoor grounds of public and private schools
- Children's playgrounds and children's play areas (e.g. parks, splash pads)

The Smoke-Free Ontario Act prohibits smoking or vaping of tobacco or cannabis in the public space that is 9 metres from:

- Restaurant and bar patios
- Exits and entrances of hospitals and independent health facilities

The Smoke-Free Ontario Act prohibits smoking or vaping of tobacco or cannabis:

- In sheltered outdoor areas (e.g. bus shelters)
- On hospital or community healthcare facility grounds

Familiarize yourself with the:

- Designated Smoking Areas in Newmarket
- Smoking and vaping policies on private property



REMEMBER: All Town facilities, parks and trails are smoke and vape free!

Attachment 2 – Picture of Display Case at Newmarket Public Library
(on display from August 6 to 13 and August 26 to 31, 2019)



Ontario Opening Cannabis Retail Market

Province helping build safe and convenient retail system to combat illegal market

December 12, 2019 6:45 P.M.

TORONTO — The Government of Ontario is taking steps to move to an open market for retail cannabis stores beginning in January 2020. This will provide consumers with more choice and convenience and a safe, reliable supply of cannabis.

"In response to the federal government's decision to legalize cannabis, our government is determined to open the cannabis market as responsibly as possible," said Attorney General Doug Downey. "We have said all along that opening more legal stores is the most effective way to combat the illicit market, protect our kids and keep our communities safe. That is our number one priority."

Removing the temporary cap on the number of private cannabis stores in the province and eliminating pre-qualification requirements for prospective retailers are some of the key changes the government has made to cannabis regulations. Other amendments include:

- Increasing the ability of licensed producers to participate in the retail market and allowing them to open a store at one of their facilities. These changes enable more capital, experience and capacity to enter the market and will help more legal stores open faster.
- Phasing in limits on the number of authorized stores a licence holder can have, to ensure fair access for retailers while creating medium and long-term market certainty.
- Enabling retailers to sell additional cannabis-related items such as cannabis-related magazines and cookbooks.

The Alcohol and Gaming Commission of Ontario (AGCO) will begin accepting operator licence applications from prospective retailers on January 6, 2020, followed by store authorization applications on March 2, 2020. Store authorizations from this open application process are expected to be issued beginning in April, at an initial rate of approximately 20 per month.

The province continues to have strict rules for private cannabis stores to help keep kids safe and ensure retailers behave with integrity. These include regulations that deny licences to anyone with certain cannabis-related offences or any association with organized crime.

Regulations also require licence holders, cannabis retail managers and employees to complete approved training.

Attachment 3 – Provincial Announcement Regarding Retail Cannabis Stores

QUICK FACTS

- Some of the 42 proposed cannabis stores selected through the second lottery have been authorized to open their doors this month.
- Until August 31, 2020, retail operators may own a maximum of 10 cannabis stores, increasing to 30 in September 2020 and 75 in September 2021.
- Retailers are required to comply with the [Cannabis Licence Act](#) and regulations, as well as the AGCO's [Registrar's Standards for Cannabis Retail Stores](#).
- Prospective retailers must post a public notice at their proposed retail location; the AGCO will accept comments from the local community for 15 days.
- Authorized cannabis stores can now offer click and collect services that allow customers to order and pay for products online for in-store pick-up.
- Proposed cannabis stores selected through the second lottery and the First Nations first come, first served allocation will continue the licensing and authorization process. More details are available on the AGCO website.

LEARN MORE

- [Learn more about Ontario's cannabis laws](#)
- [Learn more about AGCO's cannabis retail licensing and authorization process](#)

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