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How the Cannabis Act affects Ontarians

By: Donald Barrie

Cannabis became legalized in Canada for medical and recreational purposes on October 17, 2018. Federal, provincial and territorial governments share responsibility for overseeing the proposed new system. Medical cannabis is subject to different rules than recreational cannabis, and its regulations continue to be the sole responsibility of the federal government.

In regards to recreational cannabis, the federal government is responsible for setting strict requirements for producers who grow and manufacture cannabis. Provinces and territories are responsible for developing, implementing, maintaining and enforcing systems

to oversee the distribution and sale of cannabis. While the passage of Bill C-45, The Cannabis Act, came as great news to some people, it left some details to be worked out at the provincial level, and has continued the controversy regarding the health risks and benefits of cannabis.

In Ontario, the minimum age to buy and consume recreational cannabis is 19 years. Recreational cannabis is only allowed to be used in a private residence and cannot be used in public places, workplaces or within motorized vehicles. Breaking these rules will result in penalties. The federally mandated public possession limit of 30 grams of dried cannabis has been maintained across the country, and up to four plants may be grown for personal use. The effects of cannabis on users can lead to impaired driving, and an increased risk of accidents. As of June 2018, however, there is no government-approved roadside testing technology for cannabis.

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Legalized cannabis Continued.

There is also no consensus on how much cannabis can be consumed before it leads to impairment.

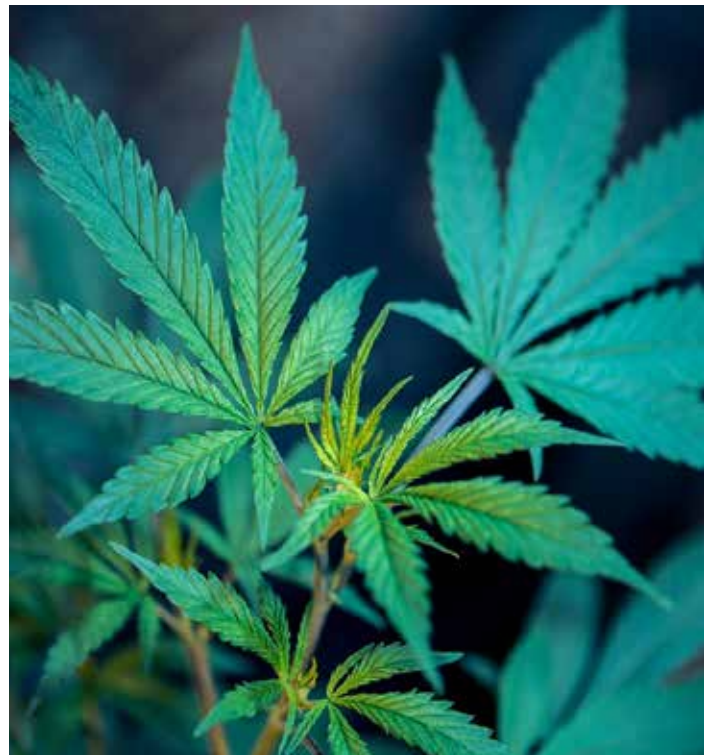
Some of these regulations in Ontario may change as a result of the new conservative government having been elected. The previous liberal government had planned to give the LCBO a monopoly on the sale of cannabis through cannabis stores. However, the new government has allowed private stores, such as Shoppers Drug Mart, to sell cannabis granted with a license from the LCBO. It is unclear if changes will be made in relation to the online sales of cannabis (which was previously to be regulated by the cannabis stores).

Concerns have continued to be raised about cannabis. The Canadian Medical Association wrote in a statement to Global News in 2016 that it has had “longstanding concerns about the health risks associated with consuming cannabis, particularly in smoked form. Children and youth are particularly at risk for cannabis-related harms, given their brains are undergoing rapid, extensive development.” On June 27, however, Health Canada announced that the current system for users of medical cannabis will remain in place.

Other concerns expressed by medical associations include the potential harm to those people at risk of developing a mental illness. There are also risks of developing an addiction, and as such, cannabis should not be viewed as a substitute for managing anxiety or controlling depression-related symptoms. In addition, some people who smoke cannabis can experience psychotic episodes.

Additionally, people working in the cannabis industry could possibly face obstacles when visiting countries that have not legalized cannabis. The USA, for example, may issue permanent travel bans on Canadians employed in the cannabis industry, starting in 2019.

There are some people, including those in the medical community, who believe that the federal government rushed the bill without doing the necessary research. The federal government contends that legalization needed to be achieved as quickly as possible, with the goal of strictly regulating and restricting access to cannabis, in order to protect young people and prevent organized crime from profiting from illegal cannabis.



Impaired driving penalties set to increase

The Federal government has passed Bill C-46, which changes alcohol-impaired driving laws beginning on December 18, 2018. The primary change that drivers will notice is that they will be subject to mandatory roadside breath tests to check for alcohol if they are pulled over for any reason, such as a traffic violation or during RIDE spot checks.

Currently, police are only able to test for alcohol if they suspect that a driver has been drinking. Refusing the test will result in the same penalty as failing the test, — a seven-day licence suspension and a criminal charge.

Impaired driving: what it is and why it is dangerous

Illegal drugs, cannabis, alcohol, over-the-counter and prescription medications can all affect your judgment, reaction time, coordination and motor skills. An individual's reactions to the drug cannot be predicted, so it is better to be safe (and avoid driving) than sorry!

Throughout Canada, the maximum legal blood alcohol concentration (BAC) for fully licensed drivers is 80 milligrams of alcohol in 100 millilitres of blood, or 0.08. In Ontario, drivers also face serious consequences if your BAC is between 0.05 and 0.08, i.e. the "warn range."

If your blood alcohol concentration is 0.05 or higher, you fail a roadside sobriety test or you violate the zero tolerance requirements for young, novice and commercial drivers, penalties include:

First offence

- 3-day licence suspension. This cannot be appealed.
- \$250 penalty (begins January 2019)

Second offence within 5 years

- 7-day licence suspension (3-day suspension for commercial drivers). This cannot be appealed.
- \$350 penalty (begins January 2019)
- You must attend a mandatory education program (for a second occurrence within 10 years)

Third and subsequent offences within 5 years

- 30-day licence suspension (3-day suspension for commercial drivers). This cannot be appealed.
- \$450 penalty (begins January 2019)
- You must attend a mandatory treatment program (for third and subsequent offence within 10 years)
- You will be required to use an ignition interlock device for at least six months (for third and subsequent offence within 10 years)
- You will need to undergo a mandatory medical evaluation to determine whether you meet the requirements for driving in Ontario (for fourth and subsequent offence within 10 years).*

Tips to avoid impaired driving

- Have a plan to get home safely. (a designated driver, public transit, call a friend or family member for a ride, call a taxi or ride share, or stay overnight).
- Tell your family and friends about your plan to get home safely.
- Do not over-indulge in alcohol or cannabis.
- Be sure to drink plenty of water.
- Ask your doctor or pharmacist about side effects related to driving when using prescription medication (including combining with alcohol and/or cannabis).



Road safety tips for drivers, cyclists and pedestrians

12 SAFETY TIPS

01	02	03	04	05	06	07
<p>DRIVERS SHOULD BE EXTRA VIGILANT to ensure safe driving and avoid all distractions.</p>	<p>CYCLISTS AND PEDESTRIANS should only cross at crosswalks, follow all traffic signs and know the rules of the road.</p>	<p>EVERYONE ON THE ROAD: drivers, cyclists and pedestrians, should pay attention to what they are doing!</p>	<p>IF YOU'RE HIT BY A CAR WHILE RIDING YOUR BIKE, you should always call 9-1-1 and take down the information of all parties involved including witnesses, and wait for an ambulance/police car to arrive.</p>	<p>FOLLOW THE RULES OF THE ROAD, obey traffic signals and signs. Pedestrians should cross only at marked crosswalks or traffic lights. Don't cross in the middle of the block or between parked cars. Crossing mid-block is one of the highest risks for pedestrian motor vehicle collisions.</p>	<p>STAY VISIBLE, especially at night or at dawn/dusk. Make sure the cars can see you if you're a pedestrian, and if you're a driver, be sure your car headlights are on;</p>	<p>DRIVERS, INCLUDING CYCLISTS, MUST STOP AND YIELD the whole roadway at pedestrian crossovers, school crossings and other locations where there is a crossing guard.</p>
08	09	10	11	12	<p>For everyone: Slow down, pay more attention and put the phone down!</p>	
<p>DRIVERS SHOULD ALWAYS BE ON THE LOOKOUT FOR PEDESTRIANS, especially when turning. Left hand turns are one of the most dangerous areas for drivers and pedestrians, especially at night.</p>	<p>DRIVERS SHOULD BE AWARE OF CHILDREN playing (whose movements can be unpredictable) and runners, who may be running with headphones and not hear you approaching.</p>	<p>DRIVE SLOWLY AND CAUTIOUSLY THROUGH SCHOOL ZONES, residential areas, or any other area where children could be walking or playing.</p>	<p>DRIVERS SHOULD WATCH FOR MOTORCYCLISTS AND CYCLISTS. Pay extra attention to your mirrors and to blind spots when changing lanes and turning.</p>	<p>WE SHOULD ALL PLAN OUR ROUTES as much as possible before we go. Set your course on your phone and mount it safely in your car. And this goes for pedestrians, too! Don't check your route while you cross a busy intersection. Distracted walking is dangerous, just as distracted driving is!</p>		



Managing Stress

Stress is any physical, chemical, or emotional factor that causes bodily or mental unrest. Anybody can experience stress, but if it starts taking over your life, then managing it can be a challenge.

Here are some useful procedures to managing stress:

1. Meditation

One of the most effective ways to deal with stress is doing meditation exercises. This involves closing your eyes and breathing deeply. Pick a quiet place to do it in a room without distractions. Playing ambient music or nature sounds in the background is helpful to some people who practice meditation. Yoga and tai chi can aid in the process of meditation as well.

2. Prayer

If you are of a specific faith persuasion, prayer is a useful way to confront feelings of anxiety. Talking out your fears and concerns through prayer has been scientifically proven to bring about healing, and possibly a longer life span. For those of you who are not religious, practicing positive self-talk can bring you out of the stress you might be feeling.

3. Exercise

Physical activity has been recommended by many in the medical community to combat stress. Walking, running, lifting weights or playing a sport burns both calories and feelings of tension. A regular exercise regimen can make you stronger, both physically and mentally.

4. Go outside

Connect with nature and make an effort to go outside at least once a day. If it is raining, snowing or a bit cloudy, travel a short distance. If it is a bright sunny day with a comfortable temperature, then venture outside longer, even if it is just a stroll around a few blocks. Going outside can re-energize your thoughts and help you relax.

5. Listen to music

The sounds of music can restore calmness, regardless of the genre. It doesn't have to come from a slow song, either. Some faster songs help too, especially by artists you know and like.

6. Seek more social stimulation

A frustrating thing about being an adult is not being able to spend enough time with your friends or family. Everybody is busy these days, but don't use that as an excuse to retreat into isolation. Go out and meet new people if you can. Even if they don't turn into friendships, the experience of conversing with others can pump some positive energy back into you.

7. Do a good deed

Helping somebody in need takes your mind off your own problems and can make you feel better. If you and the person you have helped are happy, then it is a win-win for the both of you!

8. Refrain from drugs, alcohol and smoking

Having an addiction to any of these will not relieve your stress, but will likely make it worse. Why bother damaging your health by experiencing an artificial high?

9. Cut back on caffeine and sugar

We love our caffeine and sugar, don't we? You might want to consider cutting back on those feel-good chemicals, because they can impede relaxation and increase feelings of nervousness.

10. Disconnect from the online world whenever possible

Internet addiction can cause stress, especially if you are scrolling through negative news stories at night. Reading or listening to the news, especially in the late hours of the day, can cause distress and impair your ability to maintain perspective. Establishing an Internet-free day once a week to reconnect with people or personal hobbies can be beneficial to your overall health.

11. Develop a better sleep routine

Sleep is crucial. Sleep helps you recharge and disengage from whatever problems you may be experiencing. It is important to get a good night's sleep, for which six to eight hours each night (or day) is recommended.

What links all these suggested stress-reduction strategies together is that they all pertain to your physical and mental stamina. While it is impossible to have a stress-free life, it is possible to reduce its effects. Life is short, so enjoy as much of it as you can to the fullest.



Understanding Attendant Care Benefits

By: Ronald Carranza

Since 1990, when Ontario's no-fault automobile insurance system was introduced, Attendant Care Benefits have been available to injured claimants through the Statutory Accident Benefits Schedule (SABS). The SABS is a regulation under the Insurance Act that delineates entitlement for benefits and the process to obtain benefits for motor vehicle accident victims. The Attendant Care Benefit can be used to pay for "reasonable and necessary" expenses incurred when hiring someone to help care for an injured person after an accident. In order for attendant care benefits to be paid out, an Assessment of Attendant Care Needs Form 1 needs to be completed by an occupational therapist. The Form 1 will determine the amount of time required for attendant care and the monetary amount needed to pay for those expenses.

The laws surrounding attendant care benefits have changed significantly since they were conceived under the SABS and the Insurance Act of Ontario. For whatever reason, insurers and the government have been tinkering with the benefits and changing the laws more often than what would seem necessary. These changes have made it even more difficult for accident victims to navigate the already obscure paths of the Statutory Accident Benefits Schedule.


Although there have been several changes to the SABS regarding attendant care benefits and entitlement, the test to determine entitlement has remained the same: "whether the expense is reasonable and necessary". Nonetheless, there have been changes in regards to monetary limits. The first change was a reduction, which went from \$72,000.00 to \$36,000.00 for non-catastrophic impairment. The latest change combines the attendant care benefit with the medical rehabilitation benefit to a maximum of \$65,000.00 for non-catastrophic impairment.

If cutting monetary limits was not enough, there is now also the

added difficulty that the expenses need to be incurred in accordance with the definition as outlined under paragraph 3(7)(e) of the SABS. Gone are the days when a family member could be entitled to attendant care payments for the help provided to a relative who had been injured in a motor vehicle accident. Although it was a more convenient approach, as it stands now, in order to be entitled to receive payment, the help and aid must be provided by a professional doing it under the course of his/her employment. Lastly, since June 1, 2016, payment for attendant care has been limited to actual expenses incurred. In other words, if the expense incurred for paid attendant care service providers is lower than the monthly amount assessed under a Form 1, then the insurer is liable to pay only for the incurred expense.

Due to all of the barriers imposed by the insurer and the law, it's very important to contact a lawyer to help you navigate through the complicated accident benefits system.





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1280 Finch Ave. West,
Suite 200
Toronto, Ontario
M3J 3K6

Toll Free Line: 1-877-633-1065
www.carranza.on.ca

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