

DATE: March 30, 2023

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister, Public Safety Division
Ministry of the Solicitor General

FROM: Sarah Caldwell
Assistant Deputy Minister (A), Strategic Policy, Research and
Innovation Division
Ministry of the Solicitor General

SUBJECT: Request to distribute information to police services regarding
the *Forensic Laboratories Act, 2018*

Good Afternoon,

This memorandum is to advise the policing community across the province that the *Forensic Laboratories Act, 2018*, along with its regulations, have been proclaimed to come into force on January 1, 2024. This timeframe is intended to provide a robust transition period leading up to the in-force date, ensuring that the sector has time to come into compliance with the *Act* and its regulations.

The full text of the *Act* and its regulations can be found here:

- *Forensic Laboratories Act, 2018*: <https://www.ontario.ca/laws/statute/18f03>
- O. Reg. 285/22: <https://www.ontario.ca/laws/regulation/r22285>
- O. Reg. 286/22: <https://www.ontario.ca/laws/regulation/r22286>

Please note that this *Act* will only apply to Forensic Identification Units if they operate a laboratory that conducts tests in any of the following categories of tests for the purpose of a legal proceeding, other legal purpose, or pursuant to an order of a court or other lawful authority:

- Forensic toxicology tests that detect or identify the presence of alcohol, drugs, or poisons in human biological samples, other than an analysis or test that is conducted with an approved screening device.
- Forensic biology tests that identify human bodily substances, or compare human DNA profiles, to determine associations between items, places, and people.

- Drug analysis or profiling tests to identify or quantitate drugs or controlled substances.

Affected laboratories will have to meet certain test result reporting requirements laid out in section 3 of the *Act* and section 5 of O. Reg. 286/22, and will have to be accredited to a standard prescribed in sections 3 and 4 of O. Reg. 286/22.

We would ask police services to please see the text of the *Forensic Laboratories Act*, 2018 and its regulations for more information, as well as the attached FAQ. Police services that operate a laboratory to which the *Act* applies are encouraged to sign up for further updates regarding the *Act* and its implementation, as well as to ask any questions they may have, by sending an email to solgeninput@ontario.ca.

Please let me know if you have any questions.

Best regards,

A handwritten signature in blue ink, appearing to read 'A Caldwell'.

Sarah Caldwell
Assistant Deputy Minister (A), Strategic Policy, Research and Innovation Division
Ministry of the Solicitor General

c: Sheela Subramanian, Director (A), Community Safety and Intergovernmental Policy Branch
Nicole Rogers, Manager (A), Community Safety and Policy Unit

Attachments:

- FAQ - *Forensic Laboratories Act*, 2018