[Français](http://www.ontario.ca/fr/lois/loi/20f36)

Film Content Information Act, 2020

[S.o. 2020, chapter 36](https://www.ontario.ca/laws/statute/S20036)  
Schedule 12

**Consolidation Period:** From June 8, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

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PART I  
Application and INTERPRETATION

Application

**1** This Act applies to,

(a) exhibiting films for the direct gain of the exhibitor;

(b) selling or renting physical copies of video games;

(c) exhibiting adult sex films; and

(d) selling, renting or otherwise making available physical copies of adult sex films to persons.

Interpretation

**2** In this Act,

“adult sex film” means a film that has, as its main object, the depiction of explicit sexual activity; (“film à caractère sexuel pour adultes”)

“exhibit” means to exhibit a film for viewing by the public; (“présenter”)

“exterior container” means the packaging that is designed or intended to contain a physical copy of a film for the purposes of display for sale or rental; (“jaquette”)

“film” means a moving image, other than a video game, that may be generated for viewing from anything including, but not limited to, videotapes, video discs, film or electronic files; (“film”)

“film trailer” means a film that is used for advertising purposes in connection with the exhibition of another film; (“bande-annonce de film”)

“investigator” means an investigator appointed under subsection 7 (1); (“enquêteur”)

“Minister” means the Minister of Government and Consumer Services or such other member of the Executive Council to whom responsibility for the administration for this Act is assigned under the Executive Council Act; (“ministre”)

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

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

“Software Board” means the Entertainment Software Rating Board or such other person or body as may be prescribed; (“Commission des logiciels de loisirs”)

“video game” means a moving image that provides an interactive game of skill, dexterity or knowledge where the player of the game varies the nature or sequence of the visual images by operating the device producing the images, which device may include a computer, a gaming system, a console or other technology. (“jeu vidéo”)

PART II  
Director

Director and Deputy Directors

**3** (1)  The Deputy Minister shall appoint a Director for the purposes of this Act and may appoint Deputy Directors.

Duties of Deputy Director

(2)  A Deputy Director shall perform such duties as are assigned by the Director and shall act as Director in the Director’s absence.

Same

(3)  Only one Deputy Director may act as Director in the Director’s absence at any one time.

PART III  
Prohibitions

Exhibition of films to public for direct gain

**4** (1)  Subject to subsections (3) and (4), no person shall exhibit a film for their own direct gain unless they display the following information at the place where they exhibit the film, or otherwise make the information available to the public in advance of exhibiting the film:

1. Information respecting the film and its content that the person exhibiting the film reasonably determines would be relevant to persons who may intend to view the film.

2. The name and contact information of an individual to whom questions or complaints respecting the information referred to in paragraph 1 may be directed.

Examples of relevant information

(2)  For the purposes of paragraph 1 of subsection (1), examples of information respecting a film and its content that may be relevant to persons who may intend to view the film include the following:

1. The age of the intended audience of the film.

2. Whether the film contains,

i. nudity, sexual activity or adult themes,

ii. the graphic depiction of violence involving bloodletting, torture, mutilation or criminal activity,

iii. coarse language, sexual references or slurs, or

iv. the depiction of the use of an illegal substance, or the illegal or harmful use of alcohol, a tobacco product, a vapour product or cannabis.

Previous classification

(3)  If a film was previously classified for exhibition in Ontario under the Film Classification Act, 2005 or the Theatres Act, as they read before their repeal, the person exhibiting the film may display or otherwise make available the classification instead of displaying or otherwise making available the information referred to in paragraph 1 of subsection (1).

Exceptions

(4)  Subsection (1) does not apply to films that,

(a) are adult sex films;

(b) are shown under the sponsorship of a public library or public art gallery;

(c) are shown as part of a concert, a theatrical stage production or a live or pre-recorded cultural, sporting or athletic event;

(d) are designed for the purpose of advertising, demonstrating or instructing in the use of products or services; or

(e) are film trailers.

Adult sex films

Required review and approval

**5** (1)  No person shall exhibit an adult sex film or sell, rent or otherwise make available a physical copy of an adult sex film unless the film has been reviewed and approved by an entity that is authorized to approve adult sex films under the laws of a province of Canada.

Notice must be affixed

(2)  No person shall sell, rent or otherwise make available a physical copy of an adult sex film unless a notice is affixed to the exterior container of the film, or appears on the physical copy itself, indicating that the film has been approved in accordance with subsection (1).

Age restriction, exhibition

(3)  No person shall exhibit an adult sex film to a person who is under 18 years of age.

Age restriction, sale, rental or making available

(4)  No person shall sell, rent or otherwise make available a physical copy of an adult sex film to a person who is under 18 years of age.

Sale or rental of video games

**6** (1)  No person shall sell or rent a physical copy of a video game to a person who is under 18 years of age unless the Software Board has provided a rating for that video game.

Rating of “Adults Only”

(2)  No person shall sell or rent a physical copy of a video game that the Software Board has rated as “Adults Only” to a person who is under 18 years of age.

Rating of “Mature”

(3)  No person shall sell or rent a physical copy of a video game that the Software Board has rated as “Mature” to a person who is under 17 years of age.

Exception, arcade games

(4)  For greater certainty, this section does not apply to a person who rents or sells the use of a payment-based video game device commonly known as an arcade game.

Regulations

(5)  The regulations may modify the application of this section and may establish new or modified prohibitions on the sale or rental of physical copies of video games based on their rating by the Software Board.

PART IV  
INVESTIGATIONS

Appointment of investigators

**7** (1)  The Director may appoint persons to be investigators for the purpose of conducting investigations.

Identification

(2)  An investigator shall produce, on request, evidence of their appointment as an investigator.

Search warrant

**8** (1)  On application made without notice by an investigator, a justice of the peace may issue a warrant if the justice of the peace is satisfied on information under oath that there is reasonable ground for believing that,

(a) a person has contravened or is contravening this Act or the regulations or has committed an offence under this Act or the regulations; and

(b) there is,

(i) in any building, dwelling, receptacle or place anything relating to the contravention of this Act or the regulations, or

(ii) information or evidence relating to the contravention of this Act or the regulations that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant.

Powers under warrant

(2)  Subject to any conditions contained in the warrant, a warrant issued under subsection (1) authorizes an investigator to,

(a) enter or access the building, dwelling, receptacle or place specified in the warrant, and examine and seize anything described in the warrant;

(b) use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;

(c) require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant; and

(d) use any investigative technique or procedure described in the warrant or do anything described in the warrant.

Obligation to produce and assist

(3)  A person who is required to do so by an investigator under clause (2) (c) shall produce information or evidence described in the warrant and shall provide whatever assistance is reasonably necessary to produce the information or evidence in any form.

Entry of dwelling

(4)  Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

(5)  A warrant shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Assistance

(6)  A warrant may authorize persons who have special, expert or professional knowledge, and such other persons as may be necessary, to accompany and assist the investigator in respect of the execution of the warrant.

Time of execution

(7)  An entry or access under a warrant shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise.

Expiry of warrant

(8)  A warrant shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may, on application without notice by the investigator, extend the date of expiry for an additional period of no more than 30 days.

Use of force

(9)  An investigator may call upon police officers for assistance in executing a warrant and the investigator may use whatever force is reasonably necessary to execute the warrant.

Obstruction

(10)  No person shall obstruct an investigator executing a warrant or withhold from him or her or conceal, alter or destroy anything relevant to the investigation.

Seizure

(11)  An investigator who is lawfully present in a place under a warrant may seize anything that is in plain view if the investigator believes on reasonable grounds that the thing will afford evidence of a contravention of this Act or the regulations.

Procedure

(12)  An investigator who has seized a thing under subsection (11) shall comply with the requirements of section 158.2 of the Provincial Offences Act.

May make copies

(13)  An investigator who seizes anything under this section may make a copy of it and shall return the original within a reasonable time.

Admissibility

(14)  A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

No warrant required in exigent circumstances

**9** (1)  Although a warrant issued under subsection 8 (1) would otherwise be required, an investigator may exercise any of the powers described in subsection 8 (2) without a warrant if the conditions for obtaining the warrant exist but because of exigent circumstances it would be impracticable to obtain the warrant.

Dwellings

(2)  Subsection (1) does not apply to any part of a building that is being used as a dwelling.

Use of force

(3)  An investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Application of other provisions

(4)  Subsections 8 (6), (10), (11), (12), (13) and (14) apply, with necessary modifications, to the exercise of powers under this section.

Report to justice, things seized

**10** (1)  An investigator who seizes anything during an investigation under section 8 or 9 shall bring the thing seized before a justice or, if that is not reasonably possible, shall report the seizure to a justice.

Application of Provincial Offences Act

(2)  Sections 159 and 160 of the Provincial Offences Act apply, with necessary modifications, in respect of a thing seized by an investigator during an investigation under section 8 or 9 of this Act.

Where no proceeding will commence

**11** (1)  This section applies when an investigator is in possession of a seized thing and,

(a) a decision is made by a person with the authority to do so that no proceeding will be commenced under this Act or the regulations in respect of the seized thing; or

(b) the time within which a proceeding may be commenced under this Act or the regulations has expired.

Notice of no proceeding

(2)  When clause (1) (a) or (b) applies, the investigator in possession of the thing shall, within a reasonable time, notify in writing the person from whom the thing was seized that no proceeding will be commenced in respect of the thing.

Application for return of thing

(3)  Within 10 days of notice being given under subsection (2), a person who claims an interest in the thing may apply to the Director for the release of the thing.

Hearing

(4)  Subject to subsection (5), a person who applies for the release of the thing within the time permitted under subsection (3) is entitled to a hearing before the Director.

Director may refuse hearing

(5)  The Director may refuse to hold a hearing if the person who applies for the release of the thing is not the person from whom the thing was seized and the Director is not satisfied that the person has an interest in the thing.

Director’s determination

(6)  After a hearing, the Director may,

(a) release the thing to the person if the Director determines that it was not exhibited, sold, rented or made available in contravention of this Act or the regulations; or

(b) direct that the thing be forfeited to the Crown if the Director determines that it was exhibited, sold, rented or made available in contravention of this Act or the regulations.

Forfeiture in other circumstances

(7)  The Director may direct that a thing is forfeited to the Crown if,

(a) no person applies for the release of the thing within the time permitted under subsection (3);

(b) the Director refuses to hold a hearing under subsection (5); or

(c) the person who applied for the release of the thing does not appear at the hearing.

Decision final

(8)  Any determination or direction made by the Director under this section is final.

Required compliance

(9)  Every person shall comply with a direction to forfeit a thing made under this section.

PART V  
Offences, Penalties and Evidence

Offence

**12** (1)  A person is guilty of an offence if the person contravenes or fails to comply with any provision of this Act or the regulations.

Officers or directors

(2)  An officer or director of a corporation is guilty of an offence if the officer or director fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1).

Limitation

(3)  No proceeding under this section shall be commenced more than two years after the events on which the proceeding is based occurred.

Penalties

Individuals

**13** (1)  Every individual convicted of an offence under this Act or the regulations is liable to a fine of not more than $50,000, to imprisonment for a term of not more than two years less a day, or both.

Corporations

(2)  Every corporation convicted of an offence under this Act or the regulations is liable to a fine of not more than $250,000.

Forfeiture

(3)  A court that convicts a person of an offence under this Act or the regulations may, in addition to any other penalty imposed by the court, if the conviction is in relation to an offence in connection with a film that has been lawfully seized under this Act, order that the film be forfeited to the Crown.

Same

(4)  Subsection (3) applies, with necessary modifications, in respect of a person that a court finds guilty of an offence under this Act or the regulations.

Default in payment of fines

**14** (1)  If a fine payable as a result of a conviction for an offence under this Act or the regulations is in default for at least 60 days, the Director or a person designated by him or her may disclose to a consumer reporting agency within the meaning of the Consumer Reporting Act the name of the defaulter, the amount of the fine and the date the fine went into default.

If payment made

(2)  Within 10 days after receiving notice that the fine has been paid in full, the Director or their designee shall inform the consumer reporting agency of the payment.

Certificate as evidence

**15** For all purposes in any proceeding, a statement purporting to be certified by the Director is, without proof of the office or signature of the Director, admissible in evidence as proof in the absence of evidence to the contrary, of the facts stated in it in relation to the approval of an adult sex film.

Testimony

**16** Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations.

PART VI  
REGULATIONS

Regulations

**17** The Lieutenant Governor in Council may make regulations,

(a) respecting anything that, in this Act, may or must be prescribed or done by regulation;

(b) modifying the application of section 6, including by modifying the names of the ratings categories referred to in that section or by establishing new prohibitions that apply with respect to the sale or rental of physical copies of video games;

(c) exempting any person or class of persons from any provision of this Act and attaching conditions to the exemption;

(d) generally for carrying out the purposes and provisions of this Act.

PART VII  
Transition

Dissolution of Ontario Film Review Board

**18** The Ontario Film Review Board is dissolved and all its assets and liabilities are hereby transferred to and vested in the Crown in right of Ontario, without compensation.

Expiry of older licences

**19** Every licence issued under the Film Classification Act, 2005, as it read before it was repealed, expires on the day this section comes into force.

Part VIII (OMITTED)

20-22 Omitted (amends, repeals or revokes other legislation).

Part IX (OMITTED)

23 Omitted (provides for coming into force of provisions of this Act).

24Omitted (enacts short title of this Act).

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