

Motion following Notice of Motion**Bylaw to Prohibit Vaping and Smoking of Tobacco and Cannabis**

THAT Administration prepare a bylaw that would prohibit smoking of tobacco or cannabis as well as vaping in areas not addressed by provincial legislation (such as, but not limited to, playgrounds, sports fields, outdoor recreation facilities, school grounds, outdoor events, outdoor markets and hotel guest rooms); and that a non-statutory public hearing, in accordance with Strathcona County's public hearing procedures, be held on May 8, 2018 so that Council may consider the proposed bylaw and any related public input.

Background

In doing research on the cannabis production facility location bylaw, the topic of where cannabis would be consumed came forward, which then lead to permitted locations for smoking tobacco.

In 2001 28.1% of males were smokers and 23.8% of females were. 10 years later that dropped to 22.3% of males and 17.5% of females. I used the terms males and females as these statistics were of males and females over the age of 12. (Statistics Canada).

Those numbers continue to drop as the normalization of smoking is removed from our culture and education and prevention programs have been put in place.

With all the regulations that are in place, I was shocked at where you could still legally smoke tobacco in Strathcona County.

The Province of Alberta has Bill 26 upcoming in relation to smoking and vaping regulations for cannabis and Bill 212 which is a modification to the current Tobacco and Smoking Reduction Act (focus on protecting children's health).

http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_29/session_3/20170302_bill-212.pdf

http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_29/session_3/20170302_bill-026.pdf

Bill 212

This is a private members bill, that if passed would modify the current Tobacco and Smoking Reduction Act, starting January 1, 2019.

Section 3 presently reads:

3 Subject to section 5, no person shall smoke

(a) in a public place,

(b) in a workplace,

(b.1) in a vehicle in which a minor is present,

(c) in a public vehicle, or

(d) within a prescribed distance from a doorway, window or air intake of a public place or workplace.

(i) a doorway, window or air intake of a public place or workplace, or

(ii) a playground, sports field or other outdoor recreation facility referred to in clause

(f).

Section 3 is repealed and the following is substituted:

Smoking prohibited

3(1) Subject to section 5, no person shall smoke

- (a) in a public place,
- (b) in a workplace,
- (c) in a vehicle in which a minor is present,
- (d) in a public vehicle,
- (e) in a school building, on school grounds or in any parking areas used in relation to a school building,
- (f) at a playground, sports field or other outdoor recreation facilities to which members of the public have access as of right or by express or implied invitation,
- (g) within a prescribed distance from

*The additions are needed and beneficial, but the starting date does not line up with the legalization of cannabis, which occurs on July 1, 2018.

What is still missing in Bill 212 is the modification to Section 5 (2).

Exceptions

5(2) A registered guest, and a person invited by the guest may smoke in a guest room of a hotel if the guest room

- (a) is designed primarily as sleeping accommodation,
- (b) is designated as a smoking room by the manager,
- (c) has floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking is prohibited under this Act, and
- (d) conforms to any requirements prescribed by the regulations.

*Without a requirement for a separate ventilation system for the designated smoking rooms in hotels, all guests will be exposed to tobacco, cannabis and vaping fumes.

Bill 26 is much more restrictive with where cannabis vaping or smoking can take place, but not tobacco smoking.

Alberta Cannabis Framework and proposed legislation

Consuming cannabis

Albertans will be allowed to consume cannabis in their homes and in some public spaces where smoking tobacco is allowed but will be banned in cars.

In an effort to protect children and limit second-hand exposure, public smoking or vaping of cannabis in Alberta will be prohibited from any place where tobacco is restricted, and in the following places:

- on any hospital property, school property or child care facility property
- in or within a prescribed distance from:
 - a playground
 - a sports or playing field
 - a skateboard or bicycle park
 - a zoo
 - an outdoor theatre
 - an outdoor pool or splash pad
- from any motor vehicles, with the exception of those being used as temporary residences, such as a parked RV

There will also be no consumption of cannabis at any cannabis retail outlets.

The proposed legislation will establish provincial offences for public consumption infractions and consumption of cannabis in vehicles.

Municipalities may create additional restrictions on public consumption using their existing authorities.

Another concern is the fact that neither Bill 212, Bill 26 nor the Tobacco and Smoking Reduction Act prohibit smoking at outdoor events (ex: Canada Day, New Year's Eve Festival), or at outdoor markets (ex. Festival Place Farmer's Market).

I ask council to send this to administration so we can truly protect our youth, our festivals, our recreational resources and our guests of Strathcona County, from the harmful effects of second-hand smoke and the normalization of smoking and vaping. I also request a non-statutory public hearing so those whom desire have an opportunity to speak to council directly.

We have an opportunity to further decrease the percentage of those over the age of 12 smoking and/or vaping and not have an increase in those numbers.

Enclosure

- 1 Alberta Cannabis Framework and Proposed Legislation
- 2 Tobacco and Smoking Reduction Act
- 3 Vaping and Smoking Bylaw Letter of Support