

**Bylaw 18-2018 Smoking Bylaw****Report Purpose**

To seek Council approval on second and third reading of bylaw 18-2018 Smoking Bylaw.

**Motion on the Floor**

2018/ 192

Moved by: P. Smith

THAT Bylaw 18-2018 be given second reading.

**Recommendations**

THAT section 5 (e) be amended by adding the words "except as varied by this bylaw" after the words "an enactment," and that section 26 be amended by adding the words "and includes the power to issue permits under this bylaw" following the words "an enactment,".

THAT Bylaw 18-2018 be given third reading, as amended.

THAT Administration undertake public consultation over the next year on Bylaw 18-2018 and prepare a report by the end of Q4 2019 on the efficacy of Bylaw 18-2018, including any recommended amendments for Council's consideration.

**Our Prioritized Strategic Goals**

Goal 8 - Foster an environment for safe communities

**Report**

*Previous Council direction:*

In February of 2018, Council directed Administration to prepare a bylaw that would prohibit smoking of tobacco or cannabis as well as vaping in areas not addressed by provincial legislation, and that a non-statutory public hearing be held to allow members of the public to express their views on the proposed bylaw.

On May 8, 2018, Council held the non-statutory public hearing, and passed first reading of Bylaw 18-2018 (the Smoking Bylaw), with minor amendments. The Bylaw was then referred back to Administration to ensure that it aligned with the future and proposed provincial regulations. Now that most of the provincial legislative changes have been proclaimed, Administration can confirm that the proposed Bylaw is aligned.

*Approaches in the region:*

An environmental scan was completed of selected Alberta municipalities, in relation to cannabis smoking and consumption bylaws. Most of these municipalities are currently providing draft bylaws to their councils for consideration. At the time of this review, Okotoks, Wood Buffalo, Lloydminster, and St. Albert had passed regulations on the smoking or consumption of cannabis.

The municipalities we reviewed were evenly split on their approach to the alignment of their tobacco and cannabis smoking and vaping regulation. Seven municipalities chose to align their cannabis regulation with their smoking bylaws. Seven municipalities chose either separate legislation or to align their cannabis consumption regulation more closely to the regulation surrounding the public consumption of alcohol (see Enclosure 3).

St. Albert has authored an emergent resolution for consideration at the 2018 AUMA Convention, requesting that the Alberta Government amend the Gaming, Liquor and Cannabis Act to align the provisions respecting consumption of cannabis with consumption of liquor.

*Next Steps:*

Should Council proceed with Third Reading of the Smoking Bylaw, administration will undertake public consultation through a variety of channels over the course of the next year, along with a public education campaign on the Bylaw. A report would be prepared and presented to Council in the fourth quarter of 2019 with any recommendations arising out of the consultation process, regional experiences with municipal regulation and enforcement related to consumption, and any further legislative amendments made by the provincial or federal governments.

### **Council and Committee History**

May 8, 2018	Council approved the following amendments: <ol style="list-style-type: none"><li>1. Section 4 s. definition of "public place" be amended by adding the words "private functions or events that are closed to the public" after the words "but does not include a highway as defined under the Traffic Safety Act, RSA 2000 c T-6,"</li><li>2. Section 5 be amended by deleting the word "or" at the end of d. and "any other location" and "permitted" from e. and by adding a new subsection f. as follows: "a place where vaping of legal substances is allowed under a County permit."</li><li>3. By deleting section 7 and renumbering the following sections accordingly</li><li>4. Adding the words "including the power to issue permits under this bylaw" after the words "Nothing in this bylaw fetters or impairs the Chief Commissioner's power to exercise the Chief Commissioners powers under any bylaw or an enactment," to s. 27 (renumbered as s. 26)</li></ol>
May 8, 2018	Council gave bylaw 18-2018 first reading.
May 8, 2018	Council delayed giving bylaw 18-2018 second reading (motion on the floor) to ensure alignment with Bill 26- An Act to Control and Regulate Cannabis and regulations made under section 90.28 of that Act.
April 17, 2018	Priorities Committee was provided with an update on the Smoking Bylaw.
February 6, 2018	Council approved 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.

### **Other Impacts**

Author: Mavis Nathoo, Legislative and Legal Services  
Director: Mavis Nathoo, Legislative and Legal Services  
Associate Commissioner: Lori Cooper, Corporate Services  
Lead Department: Legislative and Legal Services

**Policy:** n/a

**Legislative/Legal:** The Municipal Government Act, RSA 2000, c M-26 provides that municipalities may pass bylaws for municipal purposes respecting matters such as the safety, health and welfare of people and the protection of people and property (s. 7); Tobacco and Smoking Reduction Act and regulations; Building Code Regulation AR 31/2015; Bill C-45 The Cannabis Act (federal); Gaming, Liquor and Cannabis Act, RSA 2000, c G-1 and Alta Reg 143/1996

**Interdepartmental:** Legislative and Legal Services has worked with Enforcement Services; Recreation, Parks and Culture; Intergovernmental Affairs; and Communications on this matter.

**Master Plan/Framework:** n/a

### **Communication Plan**

Provided that the bylaw receives three readings, Administration will make the bylaw available on the County public website and issue a media release.

### **Enclosure**

- |   |   |
|---|---|
| 1 | Bylaw 18-2018 (includes proposed amendments)                  |
| 2 | May 8, 2018 Council Report on Bylaw 18-2018                   |
| 3 | Environmental Scan – Cannabis/Tobacco Consumption Bylaws      |
| 4 | Bylaw 18-2018, Smoking Bylaw Presentation (to be distributed) |