

Bylaw 27-2022 Smoking and Vaping Bylaw**Report Purpose**

To present a bylaw that prohibits smoking or vaping of any substances to promote the safe, healthy, and reasonable use of public places.

Recommendation

THAT Bylaw 27-2022, the Smoking and Vaping Bylaw, be given first reading.

THAT Bylaw 27-2022 be given second reading.

THAT Bylaw 27-2022 be considered for third reading.

THAT Bylaw 27-2022 be given third reading.

Our Prioritized Strategic Goals

Goal 1 - Build strong communities to support the diverse needs of residents

Goal 8 - Foster an environment for safe communities

Report*Background*

Tobacco is regulated by the province under the *Tobacco, Smoking and Vaping Reduction Act*, SA 2005, c T-3.8, and related regulations. This Act sets out locations where smoking tobacco is not permitted, and allows municipalities to pass bylaws containing more restrictive provisions than those in the provincial regime. Cannabis is regulated by the province under the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1. Section 90.28 prohibits the smoking of cannabis in any location where tobacco consumption is prohibited by an enactment or bylaw.

Smoking or vaping of tobacco and cannabis is prohibited on hospital property, school property, child care facility property, playgrounds, sports or playing fields, skateboard or bicycle parks, zoos, outdoor theatres, outdoor pools or splash pads, and at any other location prescribed by regulations.

Proposed Smoking and Vaping Bylaw

The proposed bylaw bans the smoking and vaping of all substances, unlike provincial legislation, which only bans smoking of tobacco and cannabis. This is consistent with the draft bylaw prepared for Council in 2018, which proposed to align the locations where smoking of tobacco and cannabis were prohibited, and to ban the smoking and vaping of any substance.

In addition, the proposed bylaw bans smoking and vaping in most public spaces. This includes a 10-metre non-smoking and non-vaping set-back from areas where children are more likely to congregate, including playgrounds, spray parks, skate and bicycle parks, pools, skating rinks, and sports fields, and from doorways and air intakes, and adds additional locations such as farmers' markets and County-sponsored events such as Canada Day and New Year's Day events. The proposed bylaw also permits the Chief Commissioner to designate specific areas as non-smoking and non-vaping by installing signage stating that restriction.

Similar to the 2018 draft bylaw, the proposed bylaw includes exceptions for off-leash dog parks, golf courses, and hotel guest rooms where smoking is permitted under the *Tobacco, Smoking and Vaping Reduction Act*.

Effects

If the proposed bylaw is passed, smoking and vaping of all substances will be prohibited in the majority of public places.

Council and Committee History

March 8, 2022	THAT the March 8, 2022 Priorities Committee report, Action on Smoking & Health Canada Presentation - Smoking Bylaws in Edmonton Metro Region, be referred to Administration to prepare for Council's consideration by end of the second quarter of 2022 a draft bylaw similar to draft Bylaw 18-2018 (Enclosure 2) to ban smoking and vaping in public spaces in Strathcona County.
May 8, 2018	Draft Bylaw 18-2018 was defeated at first reading.
February 6, 2018	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

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.

Financial/Budget: N/A

Interdepartmental: Legislative and Legal Services has consulted with Planning and Development Services on the impacts to current and future land uses.

Master Plan/Framework: N/A

Alternatives

If Council wishes to permit vaping activities such as hookah, the motion could be referred back to administration to develop a permit system. Administration would require direction from Council regarding the places and circumstances where vaping permits could be issued.

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(s)

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| 1 | Bylaw 27-2022 Smoking and Vaping Bylaw |
| 2 | Draft Bylaw 18-2018 Smoking Bylaw |