

COUNCIL – AGENDA REPORT

Meeting Date: 19 April 2022

Subject: Smoking Bylaw and Cannabis Consumption Bylaw Review

Boards Routed Through: N/A

Date: N/A

Issue:

Council is being presented with a review of Smoking Bylaw No. B-44/2004 (Smoking Bylaw) and Cannabis Consumption Bylaw No. B-26/2018 (Cannabis Consumption Bylaw) relative to the actions of other communities in response to a Notice of Motion from Council.

Background:

At the Council meeting on November 15, 2021, Council carried motion 2021-C-407, stating, “[t]hat Council directs Administration to conduct a review of the City’s existing Smoking Bylaw and the Cannabis Consumption Bylaw and to review what other communities are doing with respect to their smoking bylaws”.

The Smoking Bylaw was introduced in 2004 and amended several times. The most recent amendments were in April 2020, when Council added electronic cigarettes (vaping), playgrounds, and public recreation areas to the bylaw and updated the associated penalties for contraventions.

Council passed the Cannabis Consumption Bylaw in 2018, and then an amendment via Bylaw No. B-26/2019 in October 2019, to provide a permanent, public cannabis consumption site in keeping with legal advice.

In July 2021, the Alberta *Tobacco, Smoking and Vaping Reduction Act*, SA 2005, c T-3.8 (TSVRA) and regulation came into force. The purpose of the TSVRA is to address the rise in youth vaping and reduce the harm to health associated with smoking and second-hand smoke.

The current TSVRA differs from the previous version, as it has:

- Added vaping and aligned it with the use of tobacco products (e.g., minimum age (18 years or older) to purchase, possess, or consume tobacco or vaping products, advertising and sales locations);

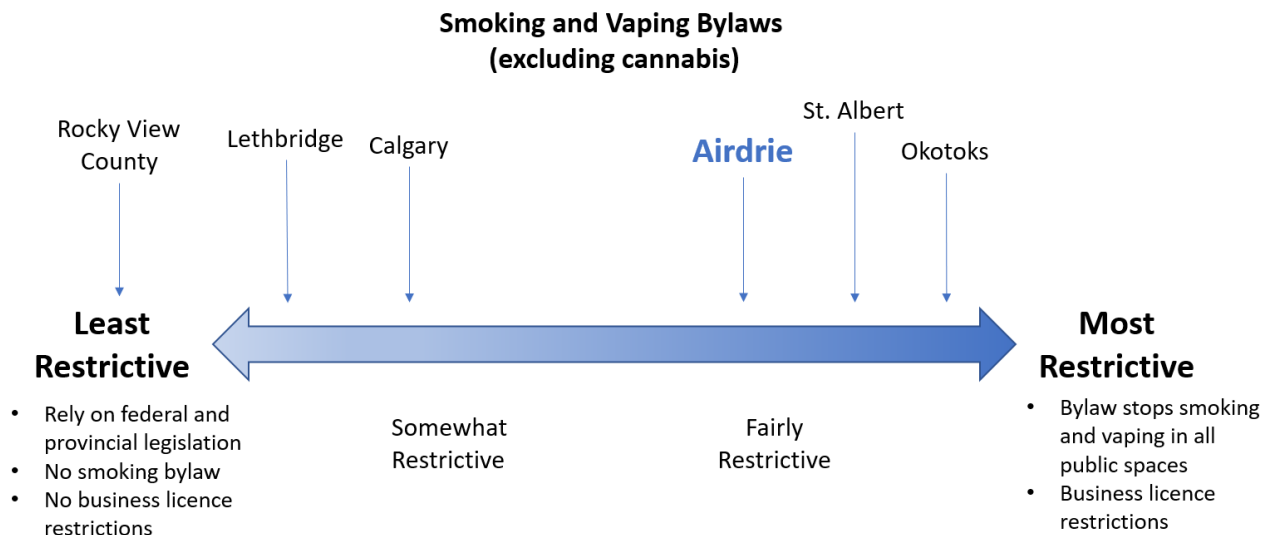
- Increased the places where tobacco and vaping products cannot be used; and
- Further restricted advertising of tobacco and vaping products.

Albertans can smoke, vape and consume cannabis in their private homes and in some public places. The TSVRA and municipal bylaw sets out where Albertans cannot smoke, vape, or consume cannabis. (See Appendix A – Excerpts from Relevant Legislation for TSVRA's list of prohibited places)

What Airdrie's peers are doing for smoking and vaping controls

Administration reviewed the smoking and cannabis bylaws of several regional and comparable municipalities in Alberta. There is a range of restrictions. Rocky View County has no bylaw and Lethbridge's creates no additional smoke-free areas. On the other end of the spectrum are St. Albert and Okotoks, which make most places in their municipalities smoke-free. In general, most bylaws focused on prohibiting smoking and vaping where children and workers congregate.

However, the TSVRA is now more restrictive than the smoking bylaws of most municipalities that Administration researched. TSVRA section 10(2) states that where the TSVRA and a municipal bylaw conflict, the more restrictive provision prevails. For this reason, many bylaws across the province, like Lethbridge's bylaw, are superseded by the TSVRA and have limited impact.



Review of Airdrie's Smoking Bylaw

Compared to other municipalities, Airdrie's *Smoking Bylaw* is comprehensive. Even before the TSVRA came into force, smoking and vaping is prohibited in most of Airdrie. The TSVRA supersedes the *Smoking Bylaw* by forbidding minors from smoking or vaping beside roads, on sidewalks, or in parking lots.

Between the TSVRA and the *Smoking Bylaw*, the public spaces in Airdrie where smoking is still allowed are:

- Cigar lounges
- Green spaces (e.g. parks, trails, etc.)
- Outdoor events (e.g. markets, parades, festivals, etc.)

- Sidewalks, parking lots, and vehicles without minors (for adults only)

The Smoking Bylaw expressly excludes recreational cannabis consumption from its provisions. The Cannabis Consumption Bylaw limits public recreational cannabis to the single cannabis consumption site approved through the bylaw amendment in 2019.

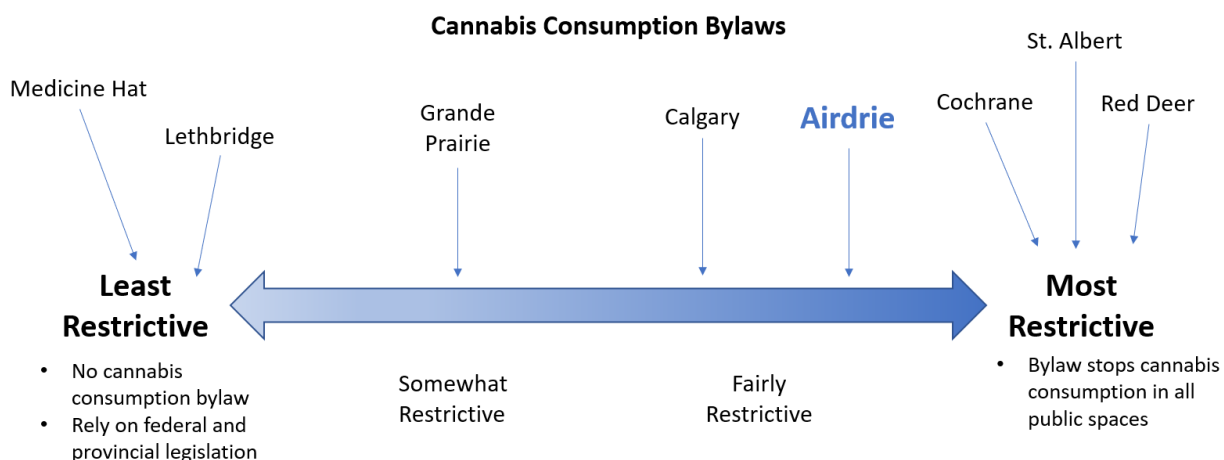
There are small clerical errors that could be corrected if Council chose to amend the Smoking Bylaw.

What Airdrie's peers are doing for recreational cannabis consumption controls

Alberta's *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 states that cannabis cannot be consumed in any area or place where that person is prohibited from smoking under the TSVRA or a municipality's bylaws.

Cannabis consumption bylaws likewise contain a range of restrictions. Most comparable and regional municipalities treat cannabis the same as alcohol and do not allow public consumption. St. Albert, Cochrane and High River are examples of highly restrictive bylaws that do not permit the consumption of cannabis outside of a private residence. Lethbridge and Medicine Hat, however, do not have cannabis consumption bylaws and rely solely on federal and provincial legislation.

In the middle of the spectrum, Calgary forbids cannabis consumption in public spaces except for designated areas and via permit for special events. Grande Prairie permits consumption in public spaces, but created unique cannabis-free areas and has widened the prescribed distance from area where children often congregate by 30 metres.



Review of the Cannabis Consumption Bylaw

Airdrie's *Cannabis Consumption Bylaw* is fairly restrictive. If Council wants make it less restrictive, it could open up more designated consumption areas or allow consumption at events by permit. If Council wishes to make the bylaw more restrictive, it could remove the designated consumption area.

There are some opportunities to amend *Cannabis Consumption Bylaw* for clarity, certainty, and readability.

Bylaws impact on health

The harmful effects of smoking and second-hand smoke on a person's health are well documented. These effects include increased risk of cancers, heart, lung, and respiratory problems, and premature death. The Conference Board of Canada found that in 2012 the total cost of tobacco use alone was \$16.2 billion, with indirect costs accounting for \$9.5 billion and direct health care costs accounting for \$6.5 billion, and other direct costs responsible for the remainder.¹ Cannabis has many of the same toxins and carcinogens as tobacco use and has a greater exposure risk because of how it is consumed.² Studies on the health effects of second-hand cannabis smoke and vaping are still underway.

The impact of changing municipal bylaws on smoking and vaping any product on public health outcomes is difficult to accurately project. However, there is a large body of evidence showing that the health of the general population improves with comprehensive smoke-free laws and public awareness of associated health risks.³

The most recent federal studies on smoking and vaping usage and controls were completed between 2017 and 2019. After this data was gathered, two noteworthy events took place that may significantly change how many people smoke or vape any product. The first was the widely publicized rise of e-cigarette and vaping-associated lung injury (EVALI) in adolescents and adults. The second was provinces passing legislation, like TSVRA, to address smoking and vaping amongst Canadians of all ages.

Due to COVID-19 restrictions, there is little research from the last two years on the impacts of these events on tobacco, cannabis and e-cigarette use. Federal studies on adult and adolescent tobacco and drugs use are underway. These studies will show what impact current smoking and vaping legislation, as well as increased public awareness of smoking and vaping health risks, has had in Alberta specifically and Canada generally.

Alignment with South Saskatchewan Regional Plan and AirdrieONE:

N/A

Boards Routed Through:

N/A

Alternatives/Implications:

- 1: Council could choose to accept the report for information.

¹ *The costs of tobacco use in Canada, 2012*. The Conference Board of Canada. (2017, October). Retrieved April 7, 2022, from <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/healthy-living/costs-tobacco-use-canada-2012/Costs-of-Tobacco-Use-in-Canada-2012-eng.pdf>

² *Effects of marijuana smoking on the lung*. Tashkin DP. Ann Am Thorac Soc. (2013) 10(3):239-47

³ Centers for Disease Control and Prevention. (2021, November 30). *Smokefree Policies Improve Health*. Centers for Disease Control and Prevention. Retrieved March 29, 2022, from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/improve_health/index.htm

Implications: Accepting this report for information would retain the Smoking Bylaw and the Cannabis Consumption Bylaw as currently adopted.

Council may also wish to consider one or more of the following alternatives:

- 2: Council could choose to direct Administration to return to Council in last quarter of 2023 with an update on tobacco control measures research and the smoking, vaping, and cannabis consumption bylaws of comparable municipalities.
- 3: Council could choose to direct Administration to return to Council with a draft *Smoking Bylaw* and *Cannabis Consumption Bylaw* that is more or less restrictive than the current bylaw(s).
- 4: Council could choose to direct Administration to return to Council with alternative ways to bylaw controls to address public health concerns related to smoking, vaping and cannabis consumption, such as increased public education or adding “tobacco sales” and “vaping sales” categories to the *Business License Bylaw* to control sales of tobacco and vaping products.
- 5: Council could choose to direct Administration to engage with Airdrie’s residents and businesses to hear how they want smoking, vaping, and public cannabis consumption to be regulated and enforced.
- 6: Council could choose to provide alternative direction.

The implications of the other alternatives available to Council vary substantially. However, Administration notes that smoking, vaping, and cannabis bylaw controls balance public health outcomes with personal freedoms. As discussed above, there is evidence that restrictions on smoking lead to better health outcomes. However, there is no data yet on the implications of the TSVRA for increasing or decreasing the consumption, or the health outcomes of smoking, vaping, or cannabis.

Resources are required to educate, enforce and manage these bylaws. There are resource implications if the restrictions are reduced or expanded. Time, energy, and funds must be committed to effect change and achieve the desired outcome.

Public Engagement and Communications Plan:

Council may wish to conduct a survey to determine whether changes to the *Smoking Bylaw* and *Cannabis Consumption Bylaw* are desirable. This will require a commitment of resources.

The City will advertise the location of any new smoke-free areas, if created. There also may be areas where no-smoking signs could be installed, temporarily or permanently. This will also require a commitment of resources.

If there are no significant changes, no communication plan is required.

Recommendation:

That Council accepts the report entitled "Smoking Bylaw and Cannabis Consumption Bylaw Review" for information.

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Attachments:	#1: Smoking Bylaw and Cannabis #2: Consumption Bylaw Review #3: Appendices
Appointment:	N/A