

# Smoking Bylaw and Cannabis Consumption Bylaw Review

## Appendix A – Excerpts from Relevant Legislation

The Tobacco, Smoking and Vaping Reduction Act, SA 2005, c T-3.8

### Definitions

- 1 In this Act, ... (f) “public place” means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation including
- (i) the common areas of a multi-unit residential facility, including patios, pools, other recreation areas and enclosed parking garages,
  - (ii) a group living facility,
  - (iii) an outdoor bus or taxi shelter,
  - (iv) licensed premises,
  - (v) a restaurant, and
  - (vi) a hotel; ...

### Smoking and vaping prohibited

- 3 Subject to section 5, no person shall smoke or vape
- (a) on a hospital property, including the building, grounds and parking areas used in relation to the hospital property,
  - (b) on a child care facility property, including the building, grounds and parking areas used in relation to the child care facility property,
  - (c) on a school property, including the building, grounds and parking areas used in relation to the school property,
  - (d) in a workplace,
  - (e) in a public place,
  - (f) in a public vehicle,
  - (g) in a vehicle in which a minor is present,
  - (h) in or within a prescribed distance from any of the following:
    - (i) a playground;
    - (ii) a sports or playing field;
    - (iii) a skateboard or bicycle park;
    - (iv) a zoo;
    - (v) an outdoor theatre;
    - (vi) a public outdoor pool or splash pad;
    - (vii) any other place that is prescribed or otherwise described in the regulations, or
  - (i) within a prescribed distance from a doorway, window or air intake of any place referred to in clauses (a) to (e) and (h)(vii), as the case may be. [Underlining added]

### Prohibition re minors

- 3.1 No minor shall possess or consume a tobacco product or vaping product or smoke or vape
- (a) in a place referred to in section 3,
  - (b) in any outdoor place or area to which members of the public have access as of right or by express or implied invitation, including a highway within the meaning of the *Traffic Safety Act*, or
  - (c) in a vehicle that is in a place referred to in section 3 or in an outdoor place or area referred to in clause (b).

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## Municipal by-laws

10(1) Nothing in this Act affects a municipality's power to make bylaws to regulate, restrict or prohibit smoking or vaping.

(2) Where there is a conflict between a provision of this Act and a provision of a municipal bylaw that regulates, restricts or prohibits smoking or vaping, the more restrictive provision prevails.

[Underlining added]

## Gaming, Liquor and Cannabis Act, RSA 2000, c G-1

### Use of cannabis in vehicles prohibited

90.24 Except as otherwise provided for in this Act or in a cannabis licence, no person may use cannabis in a vehicle unless, when the cannabis is being used, the vehicle is a temporary residence.

### Smoking and vaping prohibited

90.28 No person may smoke or vape cannabis

- (a) in any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or the bylaws of a municipality,
- (b) on any hospital property, school property or child care facility property,
- (c) in or within a prescribed distance from
  - (i) a playground,
  - (ii) a sports or playing field,
  - (iii) a skateboard or bicycle park,
  - (iv) a zoo,
  - (v) an outdoor theatre,
  - (vi) an outdoor pool or splash pad, or
  - (vii) any other area or place that is prescribed or otherwise described in the regulations.

### Owners and operators

90.29 No owner or operator of a place where the smoking or vaping of cannabis is prohibited under this Act may permit a person to smoke or vape cannabis in that place.

## Traffic Safety Act, RSA 2000, c T-6

### Definitions

1(1)(p) "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes

- (i) a sidewalk, including a boulevard adjacent to the sidewalk,
- (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

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## Appendix B – Smoking and Vaping Bylaws in Alberta

					Smoking and Vaping Allowed									
Municipality	Last updated	Include Recreational Cannabis	Include vaping	Licence Tobacco Sales	Park or Greenspace	Play-ground	Water playground, pool	Sports field, facility, or park	Outdoor event	Beside Highway	Sidewalk	Parking Lot	Outside a Workplace	Patio
	↑													
Airdrie	2020	No	Yes	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No	
Calgary	2018	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Cochrane	2017	No	Yes	No	Yes	No	No	No	Yes	Yes	Sometimes	Yes	Sometimes	No
Grande Prairie	2018	Yes	Yes	No	(Cannabis)	No	(Cannabis)	No	(Cannabis)	Yes	Yes	Yes	Yes	Yes
High River	2018	No	Yes	No	Yes	No	No	No	Yes	yes	Yes	Yes	Yes	
Lethbridge	2007	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Medicine Hat	2013	No	No	No	No	No	No	No	Yes	Only adults	Yes	Yes	Yes	Yes
Okotoks	2018	Yes	Yes	Yes	No	No	No	No	No	Yes	No	No	No	No
Red Deer	2018	Yes	Yes	No		No	No	No	No	Yes	Yes	Yes	No	No
Rocky View County	None	n/a	n/a	No	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
St. Albert	2019	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Tobacco, Smoking and Vaping Reduction Act	2021	No	Yes	n/a	Yes	No	No	No	(Outdoor Theatre)	Only adults	Only Adults	Only Adults	Yes	No

## Appendix C – Cannabis Consumption Bylaws in Alberta

					Cannabis Consumption Allowed										
Municipality	Last updated	Separate from Smoking/Vaping Bylaw?	Include vaping	Consume in Public Space	Designated Consumption Space	Park or Greenspace	Playground	Water playground, pool	Sports field, facility, or park	Event	On or beside road	Sidewalk	Parking Lot	Outside a Workplace	Patio
	↑														
Airdrie	2019	Yes	Yes	No	Yes	No	No	No	No	(Private property excluded)	No	No	No	No	No
Calgary	2022	Yes	Yes	No	Yes	No	No	No	No	By permit	No	No	No	No	No
Cochrane	2018	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No
Grande Prairie	2018	No	Yes	Yes	No	(+30m)	(+30m)	(+30m)	(+30m)	(+30m, permit)	Not downtown	--	--	--	--
High River	2018	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No
Lethbridge	(No bylaw)	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Medicine Hat	(No bylaw)	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Okotoks	2018	Yes	Yes	No	No	No	No	No	No	By permit	No	No	No	No	No
Red Deer	2018	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No
Rocky View County	2019	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No
St. Albert	2019	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No
Tobacco, Smoking and Vaping Reduction Act	2021	n/a	Yes	Yes	No	Yes	No	No	No	(Outdoor Theatre)	Not minors	Not minors	Not minors	Yes	No