

Town of Cochrane Council Report

Meeting:	Regular Council
Meeting Date:	May 14, 2018
Originated By:	Jaylene Knight, Manager, Legislative Services
Title:	Smoking Bylaw Amendment Update - Cannabis
Agenda Item:	7a

RECOMMENDED ACTION

That Council accept the Smoking Bylaw Amendment Update as information.

STRATEGIC / SUSTAINABILITY PLAN ITEM

Cochrane Sustainability Plan

Pathway 1 - We are a socially responsible and empowered community.

BACKGROUND

The Government of Canada introduced Bill C-45 in April of 2017 with the purpose to legalize the consumption and sale of cannabis for recreational use. Bill C-45, or The Cannabis Act, amends various sections to the Controlled Drugs and Substances Act and the Criminal Code, with the key elements of the legislation enabling legal possession, cultivation, and consumption of recreational cannabis while putting protections in place for public health. It is anticipated that the Cannabis Act will become law sometime this summer.

In November 2017, the Province of Alberta passed Bill 26: An Act to Control and Regulate Cannabis to provide regulations for the consumption of cannabis with the focus on protection of youth, and the limiting of exposure to second-hand smoke. Municipalities must uphold and enforce these restrictions. The Alberta Cannabis Regulations restrict smoking or vaping of cannabis in any public 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
 - an outdoor theatre
 - an outdoor pool or splash pad
- From any motor vehicle, with the exemption of those being used as a temporary residence, such as a parked RV

As cannabis is not yet legal, there are no established standards for Alberta municipalities. Both the Cities of Edmonton and Calgary, have conducted in-depth consultation with the public which has resulted in different proposals going forward to their respective Councils. The City of Calgary has passed a bylaw restricting the consumption of cannabis in any public place which will come into force on the day the Cannabis Act comes into force. The City of Edmonton is taking 3 proposals forward for their Council's consideration on May 23, 2018. The first proposal would prohibit all public consumption; the second would allow for public consumption except in areas banned by provincial regulations, and in areas where tobacco smoking is prohibited under the city's public places bylaw; and the third option would be to regulate public consumption in a more restrictive manner than provincial legislation, but still allow some public consumption, in designated areas at festivals.

Many smaller municipalities are still in their public engagement phase and have not made final decisions on what will be brought forward for their Council's consideration.

Alberta Health Services (AHS) has also published their Recommendations on Cannabis Regulations for Alberta Municipalities. AHS has recommended that:

municipalities implement regulations banning consumption in public places, as well as for public intoxication (see Alberta Liquor and Gaming Act). The rationale for this is two-fold:

- (i) cannabis is an intoxicating substance and should therefore be treated similarly to alcohol, and*
- (ii) harms related to second and third-hand smoke, especially for children and youth.*

Second-hand cannabis smoke is more mutagenic and cytotoxic than tobacco smoke, and therefore second-hand inhalation of cannabis should be considered a health risk (Cone et al., 2011; Health Technology Assessment Unit, 2017; Maertens, White, Williams & Yauk, 2013).

Special attention should be directed at banning consumption in areas frequented by children, including: all types of parks (provincial, municipal, athletic parks, baseball, urban, trails/pathways, etc.), playgrounds, school grounds, community centers, sports fields, queues, skateboard parks, amphitheaters, picnic areas and crowded outdoor events where children are present (i.e., all ages music festivals, CFL football games, rodeos, parades, Canada Day celebrations, outdoor festivals, outdoor amusement parks (private), golf courses, zoos, transit and school bus stops, ski hills, outdoor skating rinks or on any municipal owned lands) (Rethinking Access to Marijuana, 2017). Public consumption bans should also be enacted for hospitals (all points of health care, urgent care clinics, clinics, etc.), picnic areas (alcohol limits for outdoor consumption).

Currently, consumption of tobacco and tobacco-like products is not permitted on any AHS property.

Administration is reviewing the Alberta Health Services recommendations and will be taking those into consideration, along with the public engagement results, when bringing forward proposed revisions to the Smoking Bylaw in June.

In addition, further discussions with our Parks department as well as Municipal Enforcement will be completed to work towards bringing a revised Bylaw with effective enforcement provisions and an understanding of any financial impacts that may arise.

COMMUNICATION / PUBLIC ENGAGEMENT

Legislative Services is working with Communications to develop a public engagement plan and communications strategy to ensure the public is consulted and feedback incorporated before the bylaw amendments are finalized. This project will be added to the Let's Talk Cochrane website and all public engagement opportunities will be advertised.

An analysis identified "CONSULT" as the appropriate level of engagement for this opportunity; the question to be answered is: Should Cochrane's rules for public consumption of cannabis align with Cochrane's rules for public consumption of tobacco?

Public engagement activities are scheduled to run from mid-May until mid-June and include an online survey and a world café-style workshop.

A summary of the results will be provided to Council when the Bylaw is brought forward for consideration.

FINANCIAL IMPLICATIONS

Any financial implications from changes to the Smoking Bylaw will be brought forward for Council's consideration with the proposed Bylaw in June, 2018.

OPTIONS / IMPLICATIONS

Option 1: Recommended

That Council accept the Smoking Bylaw Amendment Update as information.

Option 2:

That Council accept the Smoking Bylaw Amendment Update as information and provide Administration with further direction.

ATTACHMENTS