



Legislation Details (With Text)

File #: BL-18-051 **Version:** 1 **Name:**
Type: Bylaw **Status:** Agenda Ready
File created: 8/22/2018 **In control:** City Council
On agenda: 9/17/2018 **Final action:**
Title: GPFC Recommendation: Bylaw 30/2018 Cannabis Consumption Bylaw (2nd and 3rd Reading)
Presented by: Marta Caufield, Solicitor

Sponsors:

Indexes:

Code sections:

Attachments: 1. Cannabis Consumption Bylaw 2nd and 3rd Reading - Redline, 2. Cannabis Consumption Bylaw 2nd and 3rd Reading

Date	Ver.	Action By	Action	Result
9/17/2018	1	City Council	approved	Pass
9/17/2018	1	City Council	approved	Pass

The *Cannabis Consumption Bylaw* prohibits consumption, smoking, and vaping of cannabis in all public places in St. Albert. The definition of “public place” in the bylaw is very broad and encompasses all places, indoor and outdoor, to which members of the public have access.

The *Cannabis Consumption Bylaw* prohibits all public consumption of cannabis throughout St. Albert, except for medical cannabis users. However, medical cannabis smokers and vapers must comply with the requirements of the *Smoking Bylaw 1/2004* and are therefore only permitted to smoke in areas where smoking and vaping is allowed under the *Smoking Bylaw 1/2004*.

The fines and penalties for contraventions of the *Cannabis Consumption Bylaw* are the same as those found in the *Smoking Bylaw 1/2004*, namely a \$250 fine, or, on summary conviction, a fine not exceeding \$10,000 or to an order of imprisonment for not more than one year, or both.

TAMRMS#: B06

GPFC Recommendation: Bylaw 30/2018 Cannabis Consumption Bylaw (2nd and 3rd Reading)
Presented by: Marta Caufield, Solicitor

RECOMMENDATION(S)

1. That Bylaw 30/2018 be read a second time.
2. That Bylaw 30/2018 be read a third and final time.

PURPOSE OF REPORT

This report brings forward the new *Cannabis Consumption Bylaw* for second and third reading, with amendments from the August 20, 2018 Council meeting incorporated into the bylaw.

ALIGNMENT TO COUNCIL STRATEGIC PRIORITY

N/A

ALIGNMENT TO ADMINISTRATIVE PRIORITY

Administrative Priority #3: Mandated Service Requirements: A.3.1 Cannabis Legislation

ALIGNMENT TO SERVICE DELIVERY

N/A

COUNCIL DIRECTION

On August 20, 2018 Council passed the following motions:

BL-18-048

That Bylaw 30/2018, being a bylaw to regulate consumption of cannabis, be read a first time.

CM-18-051

That proposed Bylaw 30/2018 be amended to prohibit public consumption of cannabis in St. Albert.

CM-18-052

That medical cannabis users are exempt from the cannabis consumption bylaw but that smoking and vaping of cannabis is only permitted in areas where smoking is allowed under the smoking bylaw.

BACKGROUND AND DISCUSSION

Superior Legislation

On April 13, 2017, the federal government introduced legislation for cannabis legalization which is expected to come into effect on October 17, 2018. On November 16, 2017, the province introduced Bill 26: *An Act to Control and Regulate Cannabis*. This legislation gives the Alberta Gaming and Liquor Commission authority for oversight, compliance and retail licensing, enables online sales, and creates restrictions on youth possession and public consumption, including smoking and vaping. On February 15, 2018, the province released support regulations entitled the *Gaming and Liquor Amendment Regulation* about the sale of cannabis, including licensing criteria, but also included some stipulations regarding smoking and vaping of cannabis.

The provincial restrictions on smoking and vaping of cannabis mirror provincial tobacco consumption laws.

Cannabis Consumption Bylaw

Based on feedback received from Council on August 20, 2018, Administration has made changes to the *Cannabis Consumption Bylaw*, which is provided as an Attachment to this report. The *Cannabis Consumption Bylaw* prohibits consumption, smoking, and vaping of cannabis in all public places in St. Albert. The definition of “public place” in the bylaw is very broad and encompasses all places, indoor and outdoor, to which members of the public have access.

The *Cannabis Consumption Bylaw* prohibits all public consumption of cannabis throughout St. Albert, except for medical cannabis users. However, medical cannabis smokers and vapers must comply with the requirements of the *Smoking Bylaw 1/2004* and are therefore only permitted to smoke in areas where smoking and vaping is allowed under the *Smoking Bylaw 1/2004*.

The fines and penalties for contraventions of the *Cannabis Consumption Bylaw* are the same as those found in the *Smoking Bylaw 1/2004*, namely a \$250 fine, or, on summary conviction, a fine not exceeding \$10,000 or to an order of imprisonment for not more than one year, or both.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

A Public Participation Plan was developed and funding for it was approved by Council on March 5, 2018. The funding was used to conduct two surveys, one by invitation to 4,000 randomly selected households and one open to all stakeholders in the community. Both surveys were conducted online between March 21, 2018 and April 4, 2018. Additionally, World Café style discussions were held with randomly selected residents and with business owners/industry stakeholders. The public participation results were presented to Committee of the Whole on April 23, 2018. Feedback from the public participation results, as well as from GPFC and Committee, was taken into account and incorporated into the recommendations presented by Administration.

Summary of Survey Results with Respect to Smoking/Vaping Cannabis

The following are some key findings from the surveys:

- Smoking and vaping of cannabis should be more restricted in public; and
- Smoking and vaping of cannabis is appropriate on private property.

Based on community input, 44% of open and 59% of invite survey respondents strongly agree that smoking and vaping of cannabis should be banned in all public places in St. Albert, while 31% of open and 16% of invite survey respondents strongly agree that adults should be able to smoke and vape cannabis in the same places you can smoke tobacco. Upon a closer look at the survey results, it is also clear that survey respondents feel that it is acceptable to smoke cannabis in backyards (84% open, 77% invite) and on front porches or balconies (73% open, 62% invite).

The main places that survey respondents feel are not acceptable to smoke cannabis are at public transit stops (80% open, 90% invite), on restaurant or bar patios (78% open, 87% invite), and in public parks (64% open, 75% invite).

Regarding smoking of cannabis at festivals and events, the majority of survey respondents felt that cannabis use should only be allowed in designated areas at these events (60% open, 58% invite), as opposed to banning use of cannabis entirely at these events (30% open, 38% invite).

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

There is no immediate financial implication related to passing this bylaw as proposed, however depending on the number of complaints and resident voluntary compliance (or lack thereof), there will

be financial implications if more staff are required to enforce the new legislation. As enforcement occurs the City may see some increased fine revenue related to the *Cannabis Consumption Bylaw*, but Administration is unable to estimate this amount at this time. Should there be increased fine revenue realized, Administration would build this into future budgets. The proposed fine for a violation of the *Cannabis Consumption Bylaw* is \$250.00.

Legal / Risk:

Municipalities must ensure that all bylaws are in place by the time federal cannabis legislation comes into force.

Program or Service:

There are no direct program or service impacts related to passing this bylaw; however, if the *Cannabis Consumption Bylaw* is passed and future enforcement resources are not added, there is potential for an indirect negative impact to existing enforcement services that could result from reprioritization of work. For example, there could be less time being spent proactively patrolling for animal bylaw or parking infractions in an attempt to address *Cannabis Consumption Bylaw* infractions proactively.

Organizational:

There are no direct organizational impacts related to passing these bylaws; however, with any new resource(s) added to the organization, added staff require added building accommodations and incrementally have impacts on organizational structures, supervision ratios and internal supports such as human resources and IT support needs.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. That the report be received as information and that the *Cannabis Consumption Bylaw* be amended in accordance with specific direction provided by Council. Drafting additional changes to the *Cannabis Consumption Bylaw* may delay the City's ability to ensure that all bylaws are in place by the time federal cannabis legislation comes into force.

Alternative 2. Do nothing, which would mean that smoking and vaping of cannabis would be dealt with in the *Smoking Bylaw* 1/2004 as it currently exists. The *Smoking Bylaw* already addresses cannabis and treats cannabis and tobacco the same; therefore, smoking of cannabis in St. Albert would be permitted where smoking of tobacco is currently permitted. This course of action may be negatively perceived as the City not addressing cannabis consumption or taking public participation results into consideration.

Report Date: September 17, 2018

Author(s): Marta Caufield

Committee/Department: Legal & Legislative Services

Acting General Manager: Sharon Chapman, Acting GM, Corporate Services

City Manager: Kevin Scoble

