

MEETING DATE: March 19, 2018

SUBMITTED BY: Darrell Melvie, GM Community and Protective Services

PREPARED BY: Cameron Chisholm, Manager RCMP Administration and Leduc Enforcement Services

REPORT TITLE: Cannabis Update – Public Use

REPORT SUMMARY

This report provides an overview of the places where cannabis will be prohibited to use under Provincial legislation. The report also contains a summary of Administration's investigation of other municipalities' activities as they are preparing themselves for the upcoming legalization of cannabis and enforcement challenges. Lastly, the report contains a proposed strategy for the City of Leduc Community Standards Bylaw amendments to address public use of cannabis.

BACKGROUND

PREVIOUS COUNCIL/COMMITTEE ACTION:

An update was provided on March 12, 2018, at Council. That update provided results of the Cannabis Public Use survey conducted February 16-March 2, 2018, and outlined three options that Administration was considering for Council review. An update was also made on February 12th, 2018, where the survey questions on the public use of Cannabis were presented to Council at Committee of the Whole

KEY ISSUES:

Council Report of March 12, 2018 provides background on the issues of public use. Provincial legislation treats cannabis similar to tobacco for where it can be used (smoking or vaping). This legislation outlines areas where it is prohibited to be used.

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
 - vii) any other area or place that is prescribed or otherwise described in the regulations

Under the Regulations for the Act, the prescribed distance is defined as 5 metres.

A Municipality has the ability to set any prescribed distance and add places and locations where the use of cannabis will be prohibited.

The *Tobacco and Smoking Reduction Act* prohibits smoking within public places which means all or any part of a building, structure or enclosed area to which the public have access as of by right or by invitation. That Act further prohibits smoking in:

- i) the common areas of a multi-unit facility, including patios, pools, other recreational areas and enclosed parking garages
- ii) a group living facility
- iii) an outdoor bus or taxi shelter
- iv) licensed premises
- v) a restaurant
- vi) a hotel

The *Tobacco and Smoking Reduction Act* prohibits smoking in public places as previously described, in a workplace, in a vehicle in which a minor is present, in a public vehicle or within 5 metres from a doorway, window or air intake of a public place or workplace.

Vaping is not covered under the *Tobacco and Smoking Reduction Act*. While the vaping of cannabis is referenced in an *Act to Control and Regulate Cannabis*, there is a need to restrict vaping within Leduc at public places (indoors and 5 metres from entrances) given that the vaping of cannabis could be undetectable or masked.

At this time, limited information is available on what other Cannabis public use bylaws are being implemented by other communities.

Spruce Grove currently bans smoking and vaping in open space (playground, dog park or sports field). A recommendation is being forwarded to Council to also include parks, walkways and City owned facilities. Their current definition of smoking would include the use of cannabis if smoked or vaped.

Strathcona County Enforcement will be putting forth to Council a proposal similar to Spruce Grove (but more extensive) where all smoking and vaping is prohibited everywhere in public space. Administration is appearing before their Council on March 27th.

An enforcement issue will be the issue of odour as a result of the public use of cannabis. Landlords and Condo associations have the ability to dictate such usage on their property in rental or condo agreements. Some areas in the United States define cannabis odour as not offensive in their legislation. This approach has minimized the impact on enforcement in situations where it would be difficult to determine what qualifies as offensive.

Proposed Strategy for Bylaw Amendments:

Minimum proposed recommendations:

- 1) As the City of Leduc Health Bylaw was created prior to the creation of the *Tobacco and Smoking Reduction Act*, it has been made redundant by Provincial law and can be repealed.

- 2) The City of Leduc Smoke Free Vehicles for Minors can be repealed as smoking in a vehicle with minors is covered under the *Tobacco and Smoking Reduction Act*.
- 3) As vaping is not referenced under the *Tobacco and Smoking Reduction Act*, a section under the Community Standards Bylaw is required to prohibit vaping in public places (indoor areas where the public has access) and also vehicles with minors. An exemption for retail outlets that sell vaping related products should be permitted in this amendment (both Edmonton and Calgary have this provision).

With respect to further defining where Cannabis can be smoked or vaped, the following options are presented to Council:

Further Options for consideration:

Open:

Take no further legislative action and rely on Provincial legislation.

Moderate:

- a) The City could, by bylaw, create the authority to temporarily prohibit the smoking and vaping of cannabis at any other location. This could be used to facilitate large public events where children would be present such as festivals or parades.
- b) The City could, by bylaw, increase the prescribed distance (5 m) to ensure smoking and vaping cannabis was even further away from locations identified in this report.

Restricted:

The City could by bylaw prohibit the smoking and vaping of cannabis in all public places within the City.

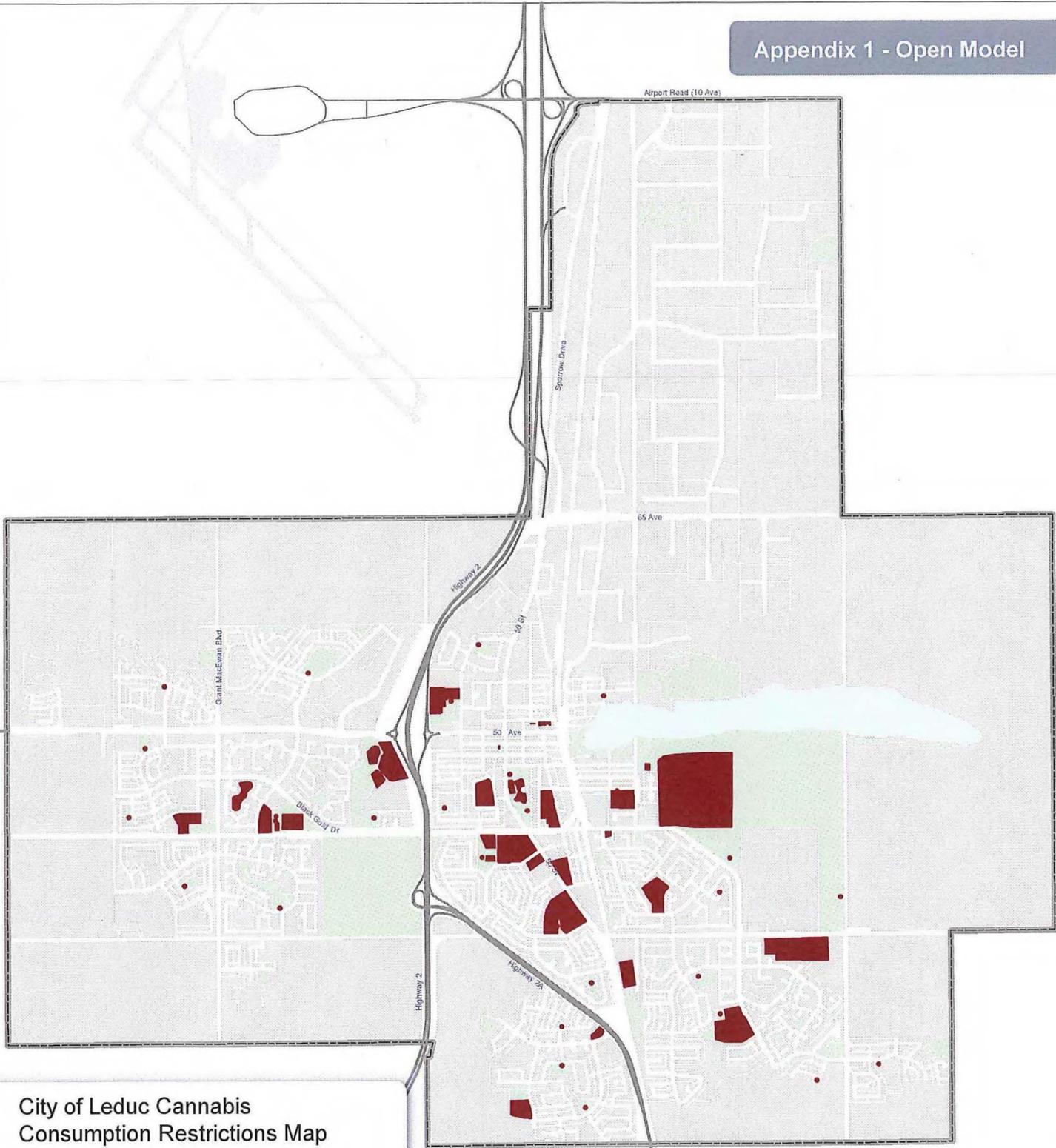
ATTACHMENTS:

Appendix 1: Map of Leduc with prohibited areas under Open option

Appendix 2: Map of Leduc with prohibited areas under Moderate option using 50 metres as prescribed distance

Others Who Have Reviewed this Report

P. Benedetto, City Manager / B. Loewen, City Solicitor / D. Melvie, General Manager, Community & Protective Services / M. Pieters, General Manager, Infrastructure & Planning



City of Leduc Cannabis Consumption Restrictions Map

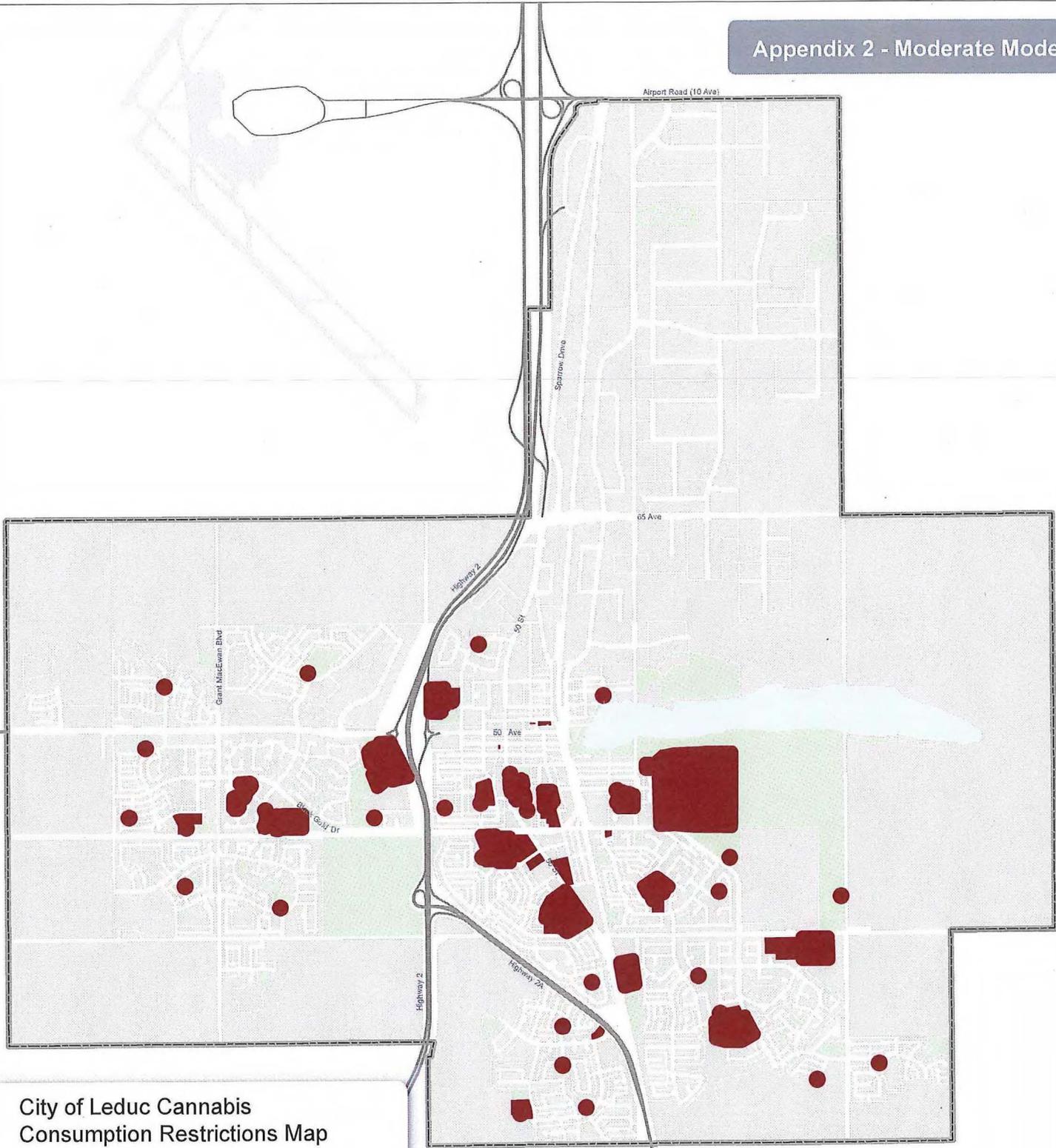
Open Scenario

-  Hospital, school, registered daycares, and 5m separating distance from playground, sports or bicycle park, playground*, outdoor theater, outdoor pool and splash pad

Total restricted consumption area: 1073157 m²

* playground areas were assumed with an average of 225m² and a radius of 15m from designated playground center.





**City of Leduc Cannabis
Consumption Restrictions Map**
Moderate Scenario

-  Hospital, school, registered daycares, and 50m separating distance from playground, sports or bicycle park, playground*, outdoor theater, outdoor pool and splash pad

Total restricted consumption area: 1941473 m²

* playground areas were assumed with an average of 225m² and a radius of 15m from designated playground center.

