

MEETING DATE: March 12, 2018

SUBMITTED BY: Cameron Chisholm, Manager, RCMP Administration and Enforcement Services

PREPARED BY: same

REPORT TITLE: Cannabis Update – Public Use

REPORT SUMMARY

This report provides an overview of the results of the cannabis public use survey conducted by the City of Leduc. 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. Lastly, the report contains a proposed strategy for the City of Leduc Community Standards Bylaw amendments to address public use of cannabis.

BACKGROUND

KEY ISSUE(S) / CONTEXT:

Previous Council/Committee Action:

With respect to public use of cannabis, a presentation at Committee was made on February 12th, 2018 which outlined questions intended for the public use survey conducted by the City of Leduc. Council reviewed the questions and provided feedback on the proposed survey.

Key Issues:

Under *Bill 26: An Act to Control and Regulate Cannabis*, the Province of Alberta restricts the use of cannabis in public places where the smoking of tobacco products is prohibited. These restrictions are unlike alcohol which is illegal to consume in public unless in a licensed premise or on private property. The Act further restricts the vaping and smoking of cannabis in areas frequented by children.

The Act provides the following restrictions with respect to locations where the use of cannabis is prohibited:

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.

Under the Regulations for the Act, the prescribed distance is defined as:

Prescribed distance for no smoking areas

129 No person may smoke or vape cannabis within 5 metres of an area or place listed in section 90.28(c)(i) to (vi) of the Act.

When the City of Leduc Public Use survey was released on February 16th, the *Act to Control and Regulate Cannabis Regulations* were not published. The prescribed distance was not known at that time. With the release of the Regulations, the smoking of cannabis is prohibited within 5 metres from the locations listed above.

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, and
- 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.

All Leduc Vaping Retailers were contacted in November 2017 and consulted over the proposal of prohibiting vaping in public places under the Health Bylaw. They were advised that Leduc would be consistent with Edmonton, Red Deer and Calgary bylaws and provide an exemption for Vaping Retailers that would allow customers to try vaping products at their retail stores. The stores were invited to provide input on this proposed

amendment. All of the stores supported the addition of vaping to the Health Bylaw but did not provide feedback on the amendment.

The Community Safety Advisory Committee supported the addition of vaping to both the Health Bylaw and the Smoke-Free Vehicles for Minors Bylaw.

At this time, limited information is available on what other Cannabis public use bylaws are being implemented by other communities. Edmonton announces their bylaws for cannabis on April 3rd.

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 challenge exists for supporting charges of public use of cannabis at prohibited locations. Any charge would require seizure, processing of exhibits and have the substance analyzed by a laboratory as cannabis. Such costs would exceed any reasonable fine amount. As such, for reasons of efficiency in enforcement, the inclusion of the smoking and vaping of tobacco products in any prohibited area would also be necessary. This would also promote a healthier lifestyle for residents in Leduc.

Another enforcement issue would be the issue of odour as a result of public use. 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 defining cannabis odour as not offensive in their legislation. This minimizes the impact on enforcement in situations where it would be difficult to determine what qualifies as offensive.

Survey Results – What We Heard:

The City of Leduc Survey ran from February 16th to March 2nd, 2018. The survey provided the public the opportunity to answer key questions relative to the public use of cannabis. The nine question survey was posted on the City of Leduc website and was promoted using social media and print advertisement. Two of the questions were opened. The survey was answered by 1420 respondents.

Question 1 asked the public about the rules regarding the use of cannabis in public places and referenced the existing regulations for smoking under Provincial law. More than 91% stated that the rules should be the same as, or more restrictive, as the rules for smoking tobacco in public places (not in public places or within 5 metres of entrances to public places).

The second question asked the public whether vaping cannabis should be subject to the same regulations as the proposed vaping of tobacco under the City of Leduc Health Bylaw. Respondents support was 76% for having the same regulations.

Question 3 asked the public which places was not acceptable for people to smoke or vape cannabis. The results for these locations were as follows:

Location	Percent Against
At an outdoor concert, festival or event	39%
In a public park	54%
While walking down the street	44%
In the downtown area	44%
In industrial areas	41%
In commercial or retail locations	67%
While on the multiway, Telford Lake boardwalk or other walking trails	42%
Any outdoor public space	36%
In areas frequented by seniors and/or vulnerable groups	74%

The fourth question asked the public about how the City of Leduc should handle smoking and vaping cannabis at festivals and events. Of the respondents, 19% responded that cannabis should be banned at such events while 66% responded only in designated areas. Only 15% of the respondents replied that it should be allowed anywhere at the event.

The fifth question pertained to acceptable distances of public use of cannabis from areas frequented by children (as listed in the *Act to Control and Regulate Cannabis*). While at the time of the release of the survey, the Province had not come out with a prescribed distance. It was later defined in the regulations as 5 metres from such locations. Residents were asked what distances were acceptable in this question. Approximately 27% said less than 25 metres was acceptable while the equal amount said 25-100 metres was the acceptable distance. Distances greater than 100 metres was deemed acceptable by 14% of the respondents. The remaining 32% of the respondents to the survey did not answer this question.

Question 6 asked respondents what topics pertaining to cannabis legalization they would like to learn about. The topics and responses were as follows:

Topic	Percent of Responses
Legalization history in Canada	15%
How cannabis retail will be regulated	64%
How cannabis consumption will be regulated	67%
What I will be permitted and prohibited from doing	64%
The health and social impacts	45%
RCMP enforcement (DUI, possession, etc.)	82%
Economic development opportunities	32%
Cannabis and youth	53%
Post-legalization next steps from Federal and Provincial Governments	7%

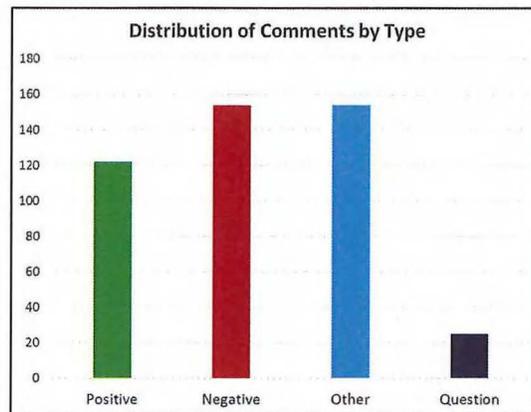
The seventh question requested information on who was completing the survey. More than 96% responded that it was for themselves and their family. Community groups represented 2% of the responses and 3% were from businesses.

Question 8 requested information on the age of the respondents. The following outlines the responses:

Answer Choices	Responses
18-25	23%
26-35	33%
36-45	19%
46-55	12%
55+	12%

The final question sought additional comments from the respondents. There were 554 responses with comments with 99 of the comments being “no comment”. The question was skipped by 951 respondents.

The comments were categorized into positive comments on cannabis, negative comments on cannabis, other comments on cannabis and questions about cannabis.



Several participants left questions in the comments field, some of which are included below:

- Will there be a medical card required to purchase marijuana from a retailer?
- What will the laws be regarding growing & smoking marijuana in shared living areas, such as apartment buildings?
- Where can we find statistics on the Aurora Sky facility?
- How will the RCMP regulate and enforce drug impaired driving?
- Will the bylaws allow for complaints regarding the odor of marijuana to be lodged and actioned?

The 'Other' category was for the responses that did not explicitly indicate either support or non-support for marijuana legalization. Some examples:

- "Please do what is for the greater good based on solid research."
- "Keep it out of public places."
- "Stiffer penalties for those caught under the influence."
- "Crack down on alcohol consumption and ban that instead."
- "Don't make it too expensive."

Proposed Strategy for Bylaw Amendments:

Minimum proposed recommendation:

- 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 vehicles with minors. An exemption for retail outlets that sell vaping related products should be permitted. Both Edmonton and Calgary have this provision.
- 4) The Community Standards Bylaw define cannabis odour during public use by individuals as not offensive.

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

Further Options for consideration:

Open:

Make no further amendments to the Community Standards Bylaw on the public use of cannabis and utilize existing prohibitions as outlined in the *Act to Control and Regulate Cannabis*.

Moderate:

- a. The Community Standards Bylaw could be amended to include the ability of the City of Leduc to prohibit the smoking of cannabis and tobacco at locations as designated by signage, either temporary or permanent. This would allow for prohibition at events and requests to prohibit use from groups such as the Downtown Business Association.
- b. The Community Standards Bylaw and Parkland Bylaw could be further amended to prohibit the smoking or vaping of cannabis or any tobacco product at the following places:
 - i) Any City parkland as defined under the Parkland Bylaw (includes multi-ways other than sidewalks)

- ii) Defined distances from Provincially restricted areas (distances could be increased from 5 metres)
- c. The Community Standards Bylaw could allow for a permit to allow a designated outdoor smoking or vaping area in areas (i) and (ii) listed above.

Restricted:

Treat cannabis similar to alcohol and prohibit use in all outdoor public places where liquor is illegal to consume.

ATTACHMENTS:

Cannabis Legalization: Public Consumption - Online Survey Results

Others Who Have Reviewed this Report

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

Cannabis Legalization: Public Consumption

Online Survey Results

The City of Leduc conducted an online survey from Feb. 16 - Mar. 2, 2018 that provided the public an opportunity to answer key questions relative to public consumption of cannabis. Questions allowed the public to indicate how they felt public consumption should be regulated in the City of Leduc and identify any other questions or concerns they had surrounding legalization.

This survey was posted on the City of Leduc website at www.leduc.ca/cannabis and was promoted through the City's Facebook and Twitter accounts as well as in the Leduc Representative. This survey received a total of **1,505 responses**.

Question 1

Currently in the province, regulations state that smoking tobacco is prohibited in public facilities and within 5 metres of any entrance to public facilities to protect the public from second-hand smoke. Should the rules regarding smoking cannabis in public places be:

The same as current regulations for tobacco	48%
More restrictive than current regulations for tobacco	44%
Less restrictive than current regulations for tobacco	7%
I don't know enough about current regulations	1%

Question 2

Cannabis can be consumed by vaping (also known as e-cigarettes). The City of Leduc is considering amending its Health Bylaw to include vaping tobacco. Should vaping cannabis also be subject to the same regulations under the Health Bylaw?

Yes	78%
No	22%

Cannabis Legalization: Public Consumption

Online Survey Results

Question 3

Please select any places you feel ARE NOT acceptable for people to smoke or vape cannabis (select all that apply):

In areas frequented by seniors and/or vulnerable groups	74%	While on the multiway, Telford Lake boardwalk or other walking trails	43%
In commercial/ retail locations	67%	In industrial areas	42%
In a public park	54%	At an outdoor concert, festival or event	37%
While walking down the street	44%	Any outdoor public space	36%
In the downtown area	44%	Other	23%

Question 4

How should the City of Leduc approach smoking and vaping cannabis at festivals and events?

Cannabis use should only be allowed in designated areas at these events	66%
Cannabis use should be banned entirely at these events	19%
Cannabis use should be allowed anywhere at these events	15%

Cannabis Legalization: Public Consumption

Online Survey Results

Question 5

The Government of Alberta has proposed that the consumption of cannabis will be restricted within a certain distance from schools, daycares, afterschool care, playgrounds, sports fields, skate or bike parks, zoos, outdoor theatres, pools, splash parks and other areas that children frequent. This distance has yet to be defined by the province, but the City of Leduc will be able to impose additional restrictions on distance. In your view, at what distance from the boundaries of these restricted areas should smoking and vaping be permitted?

Unspecified (answers did not include definitive measurement e.g. <i>out of sight or everywhere</i>)	32%
Less than 25 metres	27%
25 to 100 metres	27%
Greater than 200 metres	10%
101 to 200 metres	4%

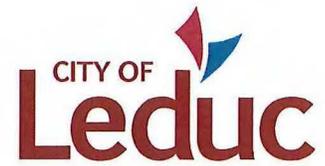
Other Trends

12% of responses indicated they supported a distance that was the same as what is set out in smoking and tobacco legislation.

5% of responses mentioned children and/or the presence of children as a factor in their answer.

Cannabis Legalization: Public Consumption

Online Survey Results



Question 6

The City of Leduc, along with the Government of Alberta, will be responsible for educating residents on cannabis legalization. What topics would you like to learn more about? (select all that apply)

RCMP enforcement (DUI, possession, etc.)	82%	The health and social impacts (including addiction and impairment)	45%
How cannabis consumption will be regulated	66%	Post-legalization next steps from Federal and Provincial Government	43%
What I will be permitted and prohibited from doing	64%	Economic development opportunities	32%
How cannabis retail will be regulated	63%	Leglization history in Canada	15%
Cannabis and youth	53%	Other	7%

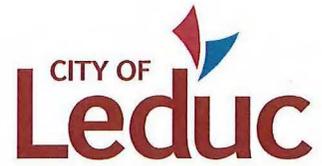
Question 7

You are completing this survey on behalf of (select all that apply):

Yourself and your family	96%
Other	4%
A business	3%
A community group, association or organization	2%

Cannabis Legalization: Public Consumption

Online Survey Results



Question 8

Your age:

26-35	33%	36-45	20%
18-25	23%	46-55	12%
		55+	12%

Question 9

Do you have any additional comments regarding the legalization of cannabis?
Comments have been categorized by type.

Negative	34%
Other (did not state support or non-support of legalization)	34%
Positive	27%
Question	5%

Other Trends

16% of responses indicated that the regulations should be the same as alcohol.

5% of responses indicated that the regulations should be the same as tobacco/smoking.