

# PROPOSED

CPS2019-1405  
ATTACHMENT 1

## BYLAW NUMBER 47M2019

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND BYLAW 23M2018,  
THE SMOKING AND VAPING BYLAW  
AND BYLAW 24M2018,  
THE CANNABIS CONSUMPTION BYLAW**

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**WHEREAS** Council has considered CPS2019-1405 and deems it necessary to amend Bylaw 23M2018, the Smoking and Vaping Bylaw;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. Bylaw 23M2018, the Smoking and Vaping Bylaw, is hereby amended as follows:
  - (1) in section 2:
    - (a) subsection 2(1)(b) is deleted and replaced with the following:
      - “(b) *“cannabis”* has the meaning given to that term in the *Cannabis Act*, S.C. 2018, c.16;”;
    - (b) subsection 2(1)(p) is deleted and replaced with the following:
      - “(p) *“smoke”* or *“smoking”* means:
        - (i) inhaling or exhaling the smoke produced by burning or heating *tobacco, tobacco-like product, cannabis* or any other substance; or
        - (ii) holding or otherwise having control of any device or thing containing lit or heated *tobacco, tobacco-like product, cannabis* or any other substance;”;
  - and
  - (c) the following is added after subsection 2(1)(s) as subsection 2(1)(s.1):
    - “(s.1) *“tobacco-like product”* means a product, other than *tobacco*, composed in whole or in part of plants or plant products, or any extract of them, and includes the substances commonly known as shisha or hookah;”;
- (2) the following is added after subsection 3(a) as subsection 3(a.1):
  - “(a.1) in a guest room of a hotel or motel;”;

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(3) the following is added after section 5 as section 5.1:

“5.1 (1) Despite section 3(a), a person may:

- (a) inhale or exhale the smoke produced by heating a *tobacco-like product*; or
- (b) hold or otherwise have control of any device or thing containing heated *tobacco-like product*;

in an enclosed *public premises* where the consumption of *tobacco-like product* is permitted by the owner or occupier of the premises.

(2) Despite section 4, an *employer, operator or proprietor* may permit a person to:

- (a) inhale or exhale the smoke produced by heating a *tobacco-like product*; or
- (b) hold or otherwise have control of any device or thing containing heated, *tobacco-like product*;

in an enclosed *public premises* controlled or owned by them.

(3) An *employer, operator or proprietor* who permits the consumption of *tobacco-like product* on their premises:

- (a) must prominently display a sign providing information regarding the health risks associated with the consumption of *tobacco-like product*,
  - (i) in the form; and
  - (ii) containing the content;

prescribed by the Chief Bylaw Enforcement Officer in a location that is visible to a person immediately upon entering the premises; and

- (b) must not permit entry to any person under the age of 18 years during such times when the consumption of *tobacco-like product* is permitted in the premises.

(4) This section ceases to have effect on July 1, 2021.”

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- (4) In **SCHEDULE “A” – PENALTIES**, under the heading indicated, after:

| Section | Description of Offence  | Minimum Penalty | Specified Penalty |
|---------|---|-----------------|-------------------|
| “4      | Permit person to <i>smoke</i> or <i>vape</i> where prohibited | \$50            | \$200”            |

the following is added:

| Section    | Description of Offence  | Minimum Penalty | Specified Penalty |
|------------|---|-----------------|-------------------|
| “5.1(3)(a) | Fail to display prescribed signage  | \$300           | \$1000            |
| 5.1(3)(b)  | Permit person under 18 on premises when consumption of a <i>tobacco-like product</i> is permitted | \$300           | \$1000”           |

2. Bylaw 24M2018, the Cannabis Consumption Bylaw, is hereby amended by deleting subsection 2(1)(b) and replacing it with the following:

“(b) “*Cannabis Act*” means the *Cannabis Act*, S.C. 2018, c.16;”.

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3. (1) This bylaw comes into force on the day it is passed.
- (2) Despite subsection (1), subsection 1(2) comes into force on January 1, 2021.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_