

**PROPOSED WORDING FOR AN AMENDMENT TO BYLAW 23M2018,
THE SMOKING AND VAPING BYLAW**

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;”.

(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.”.

- (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;"

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.