

Parks and Pathways Smoking and Vaping Restrictions

RECOMMENDATIONS:

That Community Development Committee recommends:

- 1) That Council give three readings to proposed amendments to the Smoking and Vaping Bylaw 23M2018 with an effective date of 2022 August 1.
- 2) That Council give three readings to proposed amendments to the Business Licence Bylaw 32M98 with an effective date of 2022 August 1.

HIGHLIGHTS

- This report responds to Council direction to update amendments to the Smoking and Vaping Bylaw to restrict smoking and vaping in all parks and pathways controlled by The City.
- **What does this mean to Calgarians?** If approved, smoking and vaping will no longer be permitted in the City's parks and pathway system, except in designated areas during festivals and events.
- **Why does it matter?** Health experts have indicated that further restrictions will help to de-normalize smoking and vaping, thereby reducing their prevalence and leading to better health outcomes.
- The proposed amendments would maintain the ability to designate smoking/vaping areas at festivals and events.
- Administration is also recommending an amendment to the Business Licence Bylaw to align with recent provincial amendments and facilitate the regulation and enforcement of businesses selling vaping products.
- At the 2022 March 28 Combined Meeting of Council Administration was directed to report back no later than Q2 2022 to update the amendments to the Smoking and Vaping Bylaw 23M2018 with respect to restrictions for parks and pathways.
- Strategic Alignment to Council's Citizen Priorities: A healthy and green city
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

Engagement and research undertaken in 2019 demonstrated strong support for prohibiting smoking and vaping in parks and pathways. Through a jurisdictional scan, Administration determined other municipalities across Canada have undertaken parks/pathways restrictions including Ottawa, Halifax, Vancouver and Edmonton.

While Administration was unable to locate strong data linking smoking/vaping in open outdoor spaces with second-hand smoke/vape health concerns, health experts who were engaged identified the potential for outdoor smoking/vaping prohibitions to limit modelling behaviour for children.

The proposed amendments to the Smoking and Vaping Bylaw (Attachment 2) maintain the ability for festivals and events to provide designated smoking/vaping areas as these saw strong support in research and engagement. The Interdepartmental Events Team

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works with festival and event organizers to ensure that designated smoking areas adhere to all appropriate legislation, limit the impact on youth, and limit exposure to second-hand smoke.

Administration is recommending that the Director/Chief Bylaw Officer have the ability to designate clearly identified smoking/vaping areas. This ability would serve to address potential concerns of leaseholders and/or those who work in City parks to provide discreet smoking/vaping areas for patrons/staff. Examples could include Calgary Parks staff working at depots located in City Parks or leaseholders such as restaurants or Community Associations who may wish to have designated smoking areas for their staff or patrons.

Administration is recommending a delayed effective date of 2022 August 1 for the amendments to the Smoking and Vaping Bylaw to afford time to communicate changes to the public, inform and work with leaseholders on Parks property, and ensure that Community Peace Officers and enforcement officers are well-prepared for the changes.

Administration is also recommending amendments to the Business Licence Bylaw to create a new business licence type specific to the retail sale of vaping products and add consultation with Alberta Health Services as a requirement for tobacco retailers (Attachment 3). Though these changes were not directed by Council they would facilitate the ability for Community Peace Officers to enforce regulations in alignment with recently enacted provincial regulations and provincial enforcement agencies.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☒ Public Engagement was undertaken
- ☐ Public Communication or Engagement was not required
- ☐ Public/Stakeholders were informed
- ☒ Stakeholder dialogue/relations were undertaken

Administration also worked with external consultants to conduct engagement and research on Calgarians' views on further smoking restrictions. Administration and the engagement consultants conducted three stakeholder workshops with participants representing industry, healthcare, and professional groups. An online survey was posted for three weeks between 2019 July and August which garnered 5,172 responses. A summary What We Heard report is included in Attachment 4.

In addition to the engagement conducted, Administration also commissioned a 1000-person, statistically representative telephone survey of Calgarians' views on smoking restrictions. A topline report of the research conducted can be found in Attachment 5.

If the recommendations in this report are approved by Council, Administration is planning further communication with Calgarians to raise public awareness of the bylaw amendments.

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IMPLICATIONS

Social

The Social Wellbeing Policy states that The City will ‘Strive to provide equitable services. This includes removing barriers to access and inclusion’, as well as ‘Aim to stop social problems before they begin using a prevention approach.’ The proposed regulations and enforcement will need to strike a balance in addressing these different aspects of the Social Wellbeing Policy. The proposed regulations and enforcement risk impacting marginalized Calgarians’ access to City-controlled parks and pathways and disproportionately exposing these people to bylaw enforcement and fines. This may be compounded by marginalized Calgarians’ limited access to privately-owned indoor spaces where they may choose to smoke or vape.

According to research published by the Canadian Public Health Association, individuals diagnosed with a mental illness, individuals who use cannabis, alcohol or other substances, members of the LGBTQ2S+ community, individuals of lower socio-economic status, as well as Indigenous Canadians have a higher prevalence of tobacco use. This research also suggests that the prevalence of smoking amongst the homeless population is considerably higher than other populations.

The potential for the bylaw to disproportionately affect these groups will need to be balanced against the Social Wellbeing Principle of prevention and stopping problems before they start. In this instance, health experts have indicated that restricting the modelling of smoking and vaping in public areas may help to prevent the normalization of the activity for children.

To balance the enforcement of these and other regulations, Community Standards Peace Officers receive training on how to support populations experiencing vulnerability. In 2022, bylaw services are prioritizing enhancing this training, requiring staff to complete Indigenous Awareness Training and are evaluating other courses to ensure that Peace Officers understand contextual factors and operate with a high degree of empathy.

Environmental

Cigarette butts are commonly referenced as the world’s most littered item. Further regulations prohibiting smoking in parks and on pathways may help to address the issue of litter in these spaces.

Discarded cigarette butts continue to be a major contributor to grass and wildfires and further regulations in greenspaces may help to address these concerns.

Economic

The proposed business licence category and approval step is not anticipated to have a large economic impact on retailers. Additional fees would depend on how existing businesses are operating, but in most instances adding a business licence category for

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vaping sales would not result in any increased fees. Under COVID-19 relief measures, all business licence fees have been waived until 2023 March.

Smoking rates have been falling over the past decades which may be due, in part, to more stringent smoking and vaping regulations. However, any decrease in economic activity needs to be measured against the health and societal benefits of decreased usage rates.

Service and Financial Implications

Existing operating funding - base

N/A

There are no current operating budget impacts associated with this report. If Council approves the recommendation, additional costs associated with bylaw enforcement as well as smoking and vaping area designation would be absorbed into the existing operating budget. Ongoing resource requirements are expected to be managed within the anticipated 2023-2026 Service Plans and Budget deliberations.

RISK

In some locations it may be challenging to determine the applicability and scope of the bylaw, for example in greenspaces not operated by The City and in locations where it is difficult to distinguish between pathways and sidewalks. This may lead to confusion for the public and/or enforcement challenges. To mitigate this risk Administration is proposing a delayed implementation to allow for extensive public communication and training of enforcement officers.

ATTACHMENT(S)

1. Previous Council Direction, Background
2. Proposed Wording for a Bylaw to Amend the Smoking and Vaping Bylaw
3. Proposed Wording for a Bylaw to Amend the Business Licence Bylaw
4. Smoking and Vaping Bylaw Engagement
5. Smoking and Vaping Research

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law	Consult