

## Updating the Smoking and Vaping Bylaw

### RECOMMENDATION:

That the Community Development Committee recommends Council give three readings to the attached bylaw (Attachment 2) to amend the Smoking and Vaping Bylaw 23M2018.

### RECOMMENDATION OF THE COMMUNITY DEVELOPMENT COMMITTEE, 2022 MARCH 17:

That Council:

1. Give three readings to the attached bylaw (Attachment 2) to amend the Smoking and Vaping Bylaw 23M2018; and
2. Direct that Administration 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.

## HIGHLIGHTS

- The proposed amendments provide Administration's response to Council's direction to strengthen the Smoking and Vaping Bylaw.
- **What does this mean to Calgarians?** If approved, the proposed bylaw amendments would further align the Smoking and Vaping Bylaw with legislation from other orders of government.
- **Why does it matter?** The proposed amendments ensure that the Smoking and Vaping Bylaw stays current and continues to protect Calgarians.
- Council directed Administration to strengthen the Smoking and Vaping Bylaw with specific consideration given to prohibiting:
  - Waterpipe smoking in workplaces, public premises and specified outdoor places;
  - Smoking in multi-unit public housing administered by The City of Calgary; and,
  - Smoking and vaping in hotel and motel rooms, in outdoor public parks and at outdoor public events.
- Administration undertook extensive best practices research, engagement with stakeholders and Calgarians including in-person meetings, and online and telephone surveys to inform the recommendations.
- Administration has identified potential housekeeping amendments and updates to the bylaw to provide consideration for ceremonial and cultural practices.
- At the 2019 December 16 Combined Council Meeting, Administration was directed to report back to Council through the Standing Policy Committee on Community and Protective Services with an update and bylaw recommendations subsequent to a provincial decision on amendments to the *Tobacco and Smoking Reduction Act*.
- Strategic Alignment to Council's Citizen Priorities: A healthy and green city
- Background and Previous Council Direction is included as Attachment 1.

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### DISCUSSION

At the 2019 December 16 Combined Meeting of Council Administration was directed to report back after the Government of Alberta decided on amendments to the *Tobacco and Smoking Reduction Act*. The intent was to better understand the provincial changes prior to moving forward with recommendations for Calgary's Smoking and Vaping Bylaw. The provincial amendments that went into effect on 2021 July 31 had little impact on Calgary's bylaw as the Smoking and Vaping Bylaw already incorporated many of the changes being proposed by the Government of Alberta.

The proposed recommendations were made as a result of the consideration of health evidence provided by experts; research and engagement with Calgarians and Calgary business owners; research on leading practices and experiences in other jurisdictions; engagement focused on equity and social wellbeing; and legal, jurisdictional and practical considerations.

### Smoking and Vaping Bylaw Amendment Recommendations

#### *Alignment at the Provincial/Federal Level*

Housekeeping amendments (Attachment 2) are proposed to ensure that references to legislation from other orders of government remain relevant. A new exception is proposed, aligned with provincial legislation, to allow for tobacco use as part of cultural or religious ceremonies.

#### *Waterpipe/Shisha in Workplaces*

Administration is not currently recommending further regulations for waterpipe/shisha lounges. The provincial review of the Tobacco and Smoking Reduction Act did not result in any further provincial regulations for these businesses. As a result of a multi-agency investigation in 2018 several businesses upgraded their ventilation systems to address acute health concerns. It should be noted that there is no ventilation system which is recognized as entirely mitigating health concerns related to second-hand smoke. Research/engagement found that though most respondents felt shisha should be subject to the same regulations as tobacco, most respondents also indicated they felt that shisha or waterpipe should be allowed in shisha lounges.

#### *Multi-Unit Public Housing*

Calgary Housing is conducting a review of its smoking policies as part of its 2022 work plan. Given this review and that bylaw regulations are not an appropriate method of regulating smoking/vaping in private residences, Administration is not recommending any further regulations.

#### *Hotel and Motel Rooms*

Because of the effects of second and third-hand smoke, there has been a move away from designated smoking rooms by many hotel chains and municipalities in North America. Through engagement, it was determined that none of the Calgary Hotel Association's members allow smoking rooms. Administration was unable to locate any hotels/motels in Calgary offering smoking rooms and is not recommending any further regulations.

#### *Outdoor Public Parks*

Calgary's Bylaw already prohibits smoking in many outdoor places to protect the health of Calgarians and particularly where children are likely to be present. This includes, but is not limited to, playgrounds, sports fields, outdoor rinks, outdoor pools, splash parks and patios. Based on the existing restrictions balanced with medical, social, legal, and practical considerations, Administration is not recommending further regulations at this time.

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### *Outdoor Public Events*

Smoking and vaping at festivals and events is already restricted, except in designated spaces which must be identified by organizers. Festival and event organizers are required to post signage on-site indicating that smoking is not permitted. Administration is not recommending any further regulations.

## **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 forwarded invitations to all identified shisha businesses in Calgary and conducted in-person one-on-one meetings with 15 business representatives. Additionally, Administration and external engagement consultants conducted three stakeholder workshops with participants representing industry, healthcare, and professional groups. An online survey was advertised in multiple languages and posted for three weeks between 2019 July and August which garnered 5,172 responses. A summary What We Heard report is included in Attachment 3.

In addition to the engagement conducted, Administration also commissioned a 1,000-person, statistically representative telephone survey of Calgarians' views on smoking restrictions. A topline report of the research conducted can be found in Attachment 4.

## **IMPLICATIONS**

### **Social**

Equity considerations and consultation with representatives from the Social Wellbeing Advisory Committee and the Indigenous Relations Office resulted in the recommendation to include exemptions for cultural and religious practices.

### **Environmental**

Existing regulations in the Smoking and Vaping Bylaw are intended to address the harmful effects of smoking in areas where people and children are most at risk.

### **Economic**

The proposed amendments do not have any anticipated economic implications.

### **Service and Financial Implications**

No anticipated financial impact

## **RISK**

Waterpipe/shisha lounges pose health risks for both patrons and staff who will continue to be at risk in the absence of further restrictions. Similarly, there is evidence that stronger outdoor smoking/vaping restrictions may result in lowered smoking rates. Administration's

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recommendation attempts to strike a balance between medical, societal, legal, jurisdictional, economic, and practical considerations.

**ATTACHMENTS**

1. Previous Council Direction
2. **Proposed Bylaw 16M2022**
3. Smoking and Vaping Bylaw Engagement
4. Smoking and Vaping Research

Department Circulation

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