

Rationale for Rules on Public Consumption of Cannabis

Item #7.1
CPS2018-0367
ATTACHMENT 5

Background:

The framework put forward by the Government of Alberta included proposed regulations for the consumption of cannabis in public:

Albertans will be allowed to consume cannabis in their homes and in some public spaces where smoking tobacco is allowed, but use will be banned in cars.

In an effort to protect children and limit second-hand exposure, public smoking or vaping of cannabis in Alberta will be prohibited from any place where tobacco is restricted, and in the following places:

- *on any hospital property, school property or child care facility property*
- *in or within a prescribed distance from:*
 - *a playground*
 - *a sports or playing field*
 - *a skateboard or bicycle park*
 - *a zoo*
 - *an outdoor theatre*
 - *an outdoor pool or splash pad*
- *from any motor vehicles, with the exception of those being used as a temporary residence, such as a parked RV¹*

The provincial regulations would allow for cannabis to be smoked, vaped or consumed in public settings such as on sidewalks and in public parks.

When it released the framework on Cannabis legalization, the Government of Alberta indicated:

Municipalities may create additional restrictions on public consumption using their existing authorities.²

The existing authority of municipalities to create bylaws is stated in Part 2, Division 1, Section 7, Subsections (a) and (b) of the Municipal Government Act:

7 A council may pass bylaws for municipal purposes respecting the following matters:

(a) the safety, health and welfare of people and the protection of people and property;

(b) people, activities and things in, on or near a public place or place that is open to the public;

Research and Analysis:

While Administration acknowledges that the provincial government has drafted legislation to address concerns about second-hand smoke from cannabis, the further municipal restrictions on public consumption are recommended to address concerns regarding public intoxication, public welfare and safety.

¹ Province of Alberta, Alberta Cannabis Secretariat (2018), "Alberta Cannabis Framework and legislation" (<https://www.alberta.ca/cannabis-framework.aspx>)

² Alberta Cannabis Secretariat, (<https://www.alberta.ca/cannabis-framework.aspx>)

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The effects of cannabis on a person can vary depending on the individual and the strain and potency of the cannabis being consumed. For many it can have relaxing, positive effects, but it can also alter one's state of consciousness and induce anxiety and panic attacks. According to a study from 2009, between 20-30% of recreational users experience intense anxiety and/or panic attacks after smoking cannabis. "When taken in high doses [(>5 mg oral D9 -tetrahydrocannabinol (D9 - THC) for a man of average weight], cannabis can cause intense fear and anxiety. With higher doses, panic and phobic attacks may occur" and "are more common in drug-naïve subjects and in novel or stressful environmental situations."³

Another study conducted in 2011 on the effects that THC and CBD, two components of cannabis, can have on auditory and visual hallucinations found:

*Along with effects on cognition and mood it has marked effects on sensory experiences, ranging from heightened subjective sensory awareness and appreciation to vivid mental imagery, illusions, and frank hallucinations. In some individuals, acute intoxication with cannabis can mimic sensory processing abnormalities associated with psychotic disorders.*⁴

In addition to multiple studies, Administration also considered the best practices of other jurisdictions which have undergone the process of legalizing cannabis. At the time of publishing this report, public consumption of cannabis was not allowed in any of the nine US states that have legalized recreational cannabis. However, some jurisdictions have more restrictive laws than the current provincial regulations on alcohol, for example, not being able to consume on private property when visible from the public realm.

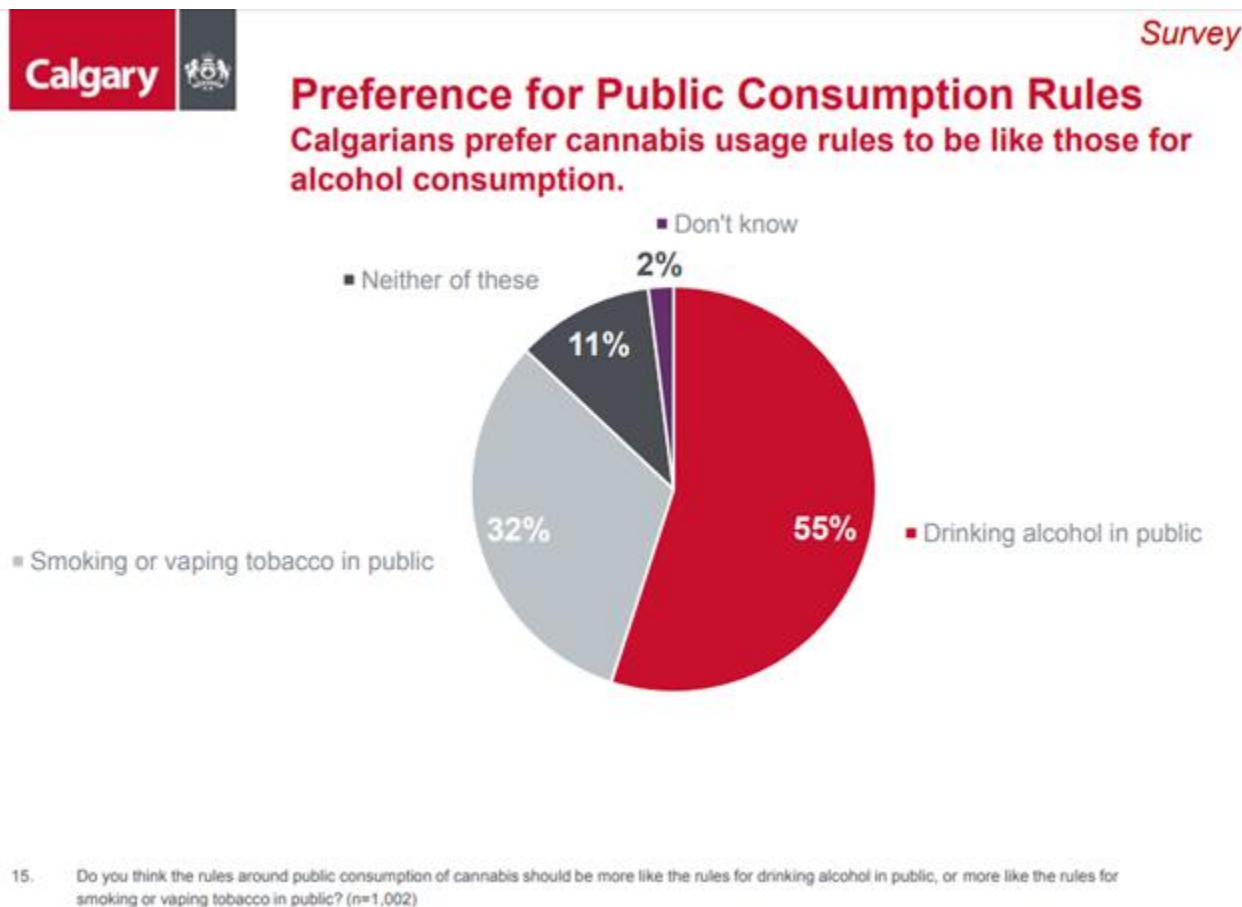
Administration also commissioned extensive research and engagement with Calgarians to gain insight on the views and values of Calgarians as they pertain to cannabis legalization. Of particular note, Environics Research, conducted a statistically representative, random telephone survey of 1,002 Calgarians. The chart below summarizes the responses regarding Calgarians' views on public consumption.

³ Crippa JA, et al. "Cannabis and Anxiety: A Critical Review of the Evidence," *Human Psychopharmacology* (Oct. 2009): Vol. 24, No. 7, pp. 515–23.

⁴ Allen P, et al. "Modulation of Auditory and Visual Processing by Delta-9-Tetrahydrocannabinol and Cannabidiol: an fMRI Study," *Neuropsychopharmacology* (June 2011): Vol 36. No. 7, pp 1340-1348

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The recommended bylaw amendments address the fact that cannabis can have varied, and not always desirable nor predictable effects on its consumers. Therefore, in the interest of public safety, health and welfare, Administration is recommending a restriction on public consumption which extends beyond the Government of Alberta's focus on the health effects of second-hand smoke, and aligns the consumption of cannabis with the Government of Alberta's current regulations regarding the public consumption of alcohol.