



**REPORT TO PLANNING & PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, MARCH 28, 2018**

SUBJECT **Proposed Amendment to Clean Air Bylaw No. 3962**

ISSUE

An amendment to Clean Air Bylaw No. 3962 is proposed to prohibit the burning or vaping of any substances in any public space identified in the existing Bylaw. This amendment will allow the Bylaw to be inclusive of vaping and cannabis.

BACKGROUND

The current CRD bylaw is built on a strong foundation that commenced in 1996 with the banning of tobacco smoking on school grounds, which expanded in 1999 to include CRD indoor workplaces. The bylaw was further expanded to include outdoor commercial patios where food and beverages were consumed and in 2015, the bylaw extended to include outdoor public spaces. In September 2016, the Province of BC amended the *Tobacco Control Act* to include electronic cigarettes; it is now the *Tobacco and Vapour Products Control Act*. It is expected that cannabis will be legalized by the federal government in July 2018, making it necessary for local governments to examine and prepare for their role in regulating the use of this substance. The proposed amendment allows the Capital Regional District (CRD) to address the potential harmful effects on its citizens being exposed to vaping and burning of any substances, including cannabis.

An evidence report from Island Health (Appendix A) recommends regulation on the smoking and burning of any substances to protect the health of the public in the capital region. A regulation such as this follows similar steps taken by other local governments, including Vancouver, Maple Ridge, Chilliwack, Williams Lake, and Kelowna. The proposed Clean Air Bylaw amendment (Appendix B) to prohibit the burning or vaping of any substance would also simplify enforcement as Enforcement Officers would no longer need to determine which substance is being burned, or vaped, prior to issuing a warning or ticket.

Aligning the Clean Air Bylaw with provincial legislation would help to reduce confusion among the public about which substances can be legally burned, and where, based on differing levels of legislation. The proposed amendment would simplify the Bylaw and prohibit the burning or vaping of any substance within the public spaces identified in the existing Bylaw including: playing fields, playgrounds, and public squares.

Per the *Public Health Bylaws Regulation*, any new bylaw or amendment relating to the protection, promotion, or preservation of the health of individuals must be deposited with the Minister of Health prior to its adoption. After deposit, adoption occurs at a future meeting.

ALTERNATIVES

Alternative 1

That the Planning and Protective Services Committee recommends to the Capital Regional District Board:

- a) That Capital Regional District Bylaw No. 3962, Capital Regional District Clean Air Bylaw No. 1, 2014", be introduced and read a first and second time; and
- b) That Capital Regional District Bylaw No. 3962, Capital Regional District Clean Air Bylaw No. 1, 2014", be read a third time.

Alternative 2

That the report be referred back to staff for further review based on Committee direction.

IMPLICATIONS

Financial Implications

There would be no financial implications on the enforcement contract with Island Health. The need for new signage will be determined by Island Health staff who are reviewing similar legislation from other jurisdictions. If new signage is needed, there is potential to mitigate the cost by using stickers to update the existing signs.

Social Implications

Approval to prohibit the burning or vaping of any substance, in the public spaces identified in the existing Bylaw, would decrease the opportunity for use, de-normalize the behaviour(s), and decrease negative role modelling for children and youth. Tobacco, e-cigarettes, cannabis, and hookah emissions have shown to contain psychoactive substances and chemicals that are potentially carcinogenic or otherwise harmful to health. The proposed amendment would ensure that persons of all ages are protected from the potential immediate and long term health consequences related to second hand emissions. This amendment would also demonstrate the CRD's continued leadership and support in this area, through alignment with provincial legislation. Including additional substances under the existing Clean Air Bylaw would not have an impact on municipalities.

CONCLUSION

By approving the amendment to broaden the definitions of “smoke” and “smoking” and “burn” and “burning”, it will address the potential health consequences caused by exposure to second hand emissions. Expansion of the Bylaw will result in improved health outcomes for all populations and build on previous achievements in population health and healthy public policy and bring the current bylaw in line with provincial legislation.

RECOMMENDATIONS

That the Planning and Protective Services Committee recommends to the Capital Regional District Board:

- a) That Capital Regional District Bylaw No. 3962, Capital Regional District Clean Air Bylaw No. 1, 2014”, be introduced and read a first and second time; and
- b) That Capital Regional District Bylaw No. 3962, Capital Regional District Clean Air Bylaw No. 1, 2014”, be read a third time.

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AN/gm

Attachments: Appendix A – Island Health Evidence Review
Appendix B – Draft Bylaw to Amend Clean Air Bylaw No. 3962