

Alberta's amended *Tobacco, Smoking and Vaping Reduction Act*: Municipal Update

July 2021

The Alberta government recently proclaimed [Bill 19](#) which made several amendments to the *Tobacco and Smoking Reduction Act* including new restrictions on vaping products. These changes will take effect on July 31, 2021. The amendments have implications for Alberta municipalities but they do not interfere with the ability of local councils to pass bylaws to control tobacco, smoking, and nicotine vaping and to regulate the sale of these products. Section 7(a) of the *Municipal Government Act* provides local councils with broad authority over public health and safety including the authority to pass smoking and vaping bylaws.

Here are the major amendments to Alberta's tobacco (and vaping) legislation:

1. Alberta has aligned provincial restrictions on the sale, advertising, display, and consumption of vaping products with those on tobacco.
2. Alberta has become the first province in Canada to align public restrictions on smoking and vaping with provincial restrictions on cannabis consumption.
3. The new regulations provide an exemption for cigar lounges in indoor establishments including restaurants, bars and cigar stores.

Based on these new amendments, we urge local councils to:

1. **Ensure that your local bylaws align restrictions on the smoking and vaping of tobacco with any local restrictions on the smoking and vaping of cannabis.** Tobacco kills 50 times more Canadians than cannabis and local restrictions on tobacco use should mesh with restrictions on cannabis consumption. The Alberta government has aligned *provincial* restrictions on the use of

tobacco, vaping and cannabis which we applaud. However these restrictions do not extend to many public spaces such as parks, outdoor gatherings, public events, markets and hookah/shisha bars. Municipalities can close these loopholes with local bylaws. The alignment of these restrictions will help to reduce the social acceptability of public smoking and vaping and will protect youth and nonsmokers from exposure. This alignment will also help to improve compliance and simplify enforcement because the rules will be clear and consistent (i.e., no smoking or vaping of any substance in public spaces).

2. **Adopt local bylaws to fill gaps in the provincial legislation.** The provincial smoking restrictions do not adequately protect workers and users of *group living facilities, hotel and motel guest rooms, public housing* or public establishments that allow *hookah smoking*. The provincial law does not regulate smoking or vaping in many outdoor areas as listed above and it does not require tobacco or vaping retailers to be licensed. Various Alberta municipalities have adopted bylaws to address these omissions and we urge local councils to continue doing so.
3. **Close the cigar lounge loophole.** Unfortunately, the Alberta government has created a disturbing loophole for cigar lounges which can be closed by municipal councils. A number of local councils have passed bylaws that prohibit the creation of smoking lounges including Edmonton and Calgary. We encourage your council to pass a bylaw to prevent the creation of smoking lounges in your community by prohibiting all forms of smoking and vaping (including cannabis use) in indoor public places with no exemptions for cigar, shisha or cannabis lounges.