

## *Provincial and Territorial Smoke-Free Legislation*

# Alberta

Name of legislation	<ul style="list-style-type: none"> <li>• <i>Bill 33, Tobacco Reduction Amendment Act, 2013</i> (amends the <i>Tobacco Reduction Act, 2005</i> and changes the title to the <i>Tobacco and Smoking Reduction Act, 2005</i>)</li> <li>• <i>Bill 26, An Act to Control and Regulate Cannabis</i></li> </ul>
Date in force	<ul style="list-style-type: none"> <li>• November 13, 2014 (not all clauses in force) and Bill 26 passed November 30, 2017 (not yet proclaimed)</li> <li>• As of March 21, 2018, some elements of the <i>Tobacco and Smoking Reduction Act</i> were still awaiting proclamation, over three years since the Act was passed</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking permitted in designated smoking rooms (DSRs) by in-patients or residents of group living facilities (includes long-term care facilities)</li> <li>• Smoking permitted in group living settings, and by registered guests and their invited guests in designated smoking hotel rooms</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Casinos, bingos, etc.	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Public places	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Outdoor provisions	<ul style="list-style-type: none"> <li>• Smoking prohibited on patios</li> <li>• Smoking prohibited within 5 metres of any doorway, operable window or air intake of a public place or workplace</li> <li>• Smoking prohibited by minors under 18 on school grounds or in any parking areas used in relation to a school building (new in 2014)</li> </ul>
Private Motor Vehicles	<ul style="list-style-type: none"> <li>• Smoking prohibited in a motor vehicle with children under the age of 18 present. Once the <i>Act to Control and Regulate Cannabis</i> is proclaimed, the use of cannabis will be prohibited in all motor vehicles, unless such vehicle is being used at the time as a temporary residence.</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Sections 10 (1) and (2) of the <i>Tobacco Reduction Act</i> authorize municipalities to pass stronger bylaws which would take precedence over provincial laws</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• <b>Once this section has been proclaimed</b>, Alberta will prohibit smoking in various public places a lit or</li> </ul>

	<p>heated tobacco-like product – which includes <b>other weeds and substances – such as waterpipes (hookah) and herbal cigarettes. Furthermore, the 2017 act on cannabis, once proclaimed, will prohibit the smoking or vaping of cannabis almost everywhere the use of the specified tobacco products is prohibited.</b> (See exceptions in the notes below.)</p> <ul style="list-style-type: none"> <li>• <b>Once all aspects of the <i>Tobacco and Smoking Reduction Act, 2013</i> and the <i>Act to Control and Regulate Cannabis</i> are in force, Alberta will become one of the leaders in Canada</b> with respect to protection from SHS from a variety of substances, both indoors and out. <b>Outdoor protection could be further improved</b> by prohibiting smoking on playgrounds and recreational fields.</li> </ul>
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### ***Private Vehicles with Children Present***

Name of legislation	<ul style="list-style-type: none"> <li>• <i>Tobacco and Smoking Reduction Act, 2013 (amends the Tobacco Reduction Act)</i></li> <li>• <i>Tobacco Reduction (Protection of Children in Vehicles) Amendment Act, 2012 is repealed</i></li> </ul>
Date in force	<ul style="list-style-type: none"> <li>• November 13, 2014</li> </ul>
Private Vehicles	<ul style="list-style-type: none"> <li>• Smoking prohibited in private vehicles with children under the age of 18 present</li> </ul>

#### **Notes**

Alberta was the 10<sup>th</sup> of 11 Canadian provinces/territories to pass smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

On November 19, 2012, Alberta issued a new 10-year tobacco reduction strategy, *Creating Tobacco-Free Futures: Alberta’s Strategy to Prevent and Reduce Tobacco Use, 2012–2022*. The strategy has three phases, as follows, although initiative prioritization may change in response to emerging issues:

- Phase one – 2012-2015
- Phase two – 2015-2018
- Phase three – 2018-2022

The strategy includes the following initiatives that pertain to public protection:

- “Exploring options to prohibit the use of tobacco-like products in the same locations where tobacco products are prohibited (phase one).”
- “Considering the prohibition of tobacco, tobacco-like products and smokeless tobacco use on all government-owned or leased property including schools, post-secondary institutions, healthcare facilities and provincial and municipal building grounds (phase two).”
- “Exploring options to increase smoking restrictions in outdoor areas, for example, children’s playgrounds, public parks, etc. (phase two).”
- “Using educational efforts to encourage landlords to make multi-unit dwellings 100 per cent smoke-free (phase two).”
- “Exploring options to prohibit smoking in hotel and motel guest rooms (phase three).”
- “Considering the development of legislation and policy interventions to decrease tobacco-like products and smokeless tobacco use and further protect Albertans from secondhand smoke (phase three).”

Some elements of Alberta’s *Tobacco Reduction Amendment Act, 2013* were proclaimed on November 13, 2014, as part of phase one of the strategic plan. Once other elements are in force, the Act will expand the provincial smoking ban to prohibit the smoking of tobacco and tobacco-like products in waterpipes (hookahs) or herbal cigarettes anywhere the smoking of tobacco products is prohibited, both indoors and outdoors.

Alberta does not have legislation prohibiting the use of electronic smoking devices in public places.

Once proclaimed, *Bill 26, An Act to Control and Regulate Cannabis*, will permit the use of cannabis, including smoking, in licensed facilities. This will expose patrons and employees to second-hand smoke and undermines Alberta’s 100% tobacco smoke-free bans for public places and workplaces. In addition, it currently appears that the smoking and vaping of cannabis will be permitted in children’s daycare facilities located in private residences.

The requirement in the *Tobacco and Smoking Reduction Act* to review the law and its definition of smoking (section 12) within 5 years is an excellent practice, since recreational nicotine-containing products are changing rapidly.

It should also be noted that the province of Alberta has a policy (not a law) in place to protect foster children from exposure to second-hand smoke while in foster care. Section 10.23 of Alberta’s Children’s Services Enhancement Act Policy Manual states that smoking will not be permitted in the residence where a child is placed, nor is smoking permitted in vehicles when foster children are being transported. This policy does not prevent smokers from becoming foster parents or make them quit smoking, but simply requires them to provide a non-smoking environment.