



## STAFF REPORT

**Title:** Amendment to the Gaming, Liquor and Cannabis Act - Alcohol Consumption in Public Parks

**Meeting Date:** September 15, 2020

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### **Executive Summary:**

Recent changes to the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 (effective June 17, 2020) have resulted in a small change in the way alcohol consumption is dealt with in public parks.

The general rule is still that liquor cannot be consumed in public places (including public parks). However, municipalities may designate an area to permit the consumption of liquor in a picnic area of public park by posting signage, which must state: that a person may consume liquor in a designated picnic area, set out the designated picnic area, and set out the hours when liquor may be consumed. Prior to the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 amendment, municipalities could authorize liquor consumption in specifically designated picnic areas, through signage, where liquor could be consumed with food. The amendments have removed the qualification that liquor could only be permitted where consumed with food.

### **Background:**

Bill 2: *Gaming, Liquor and Cannabis Amendment Act 2020* received royal assent and came into force on June 17, 2020. The amendment was described as an act to modernize Alberta's liquor laws including removing unnecessary restrictions on liquor sales, promotion of responsible drinking in parks, and cutting down on unnecessary red tape.

The general rule prohibiting liquor consumption in public places as per section 89(1) of the *Gaming, Liquor and Cannabis Act*, has not changed (public place is defined as a place or building that is open to the public, and a vehicle in a public place (section 1(1)(y)). The recent amendments to the *Act*, provide a small change to the exception to this general rule. However, the way the Bill has been recently discussed is much broader than what the amendment actually does. The media suggests that the amendment would now permit consumption of liquor in public parks, as if this was not otherwise possible. In the Legislative Assembly, when the Bill was passed the government stated that the intention of the amendment, in relation to consumption of liquor in parks was:

- “Lastly, we are proposing to lift restrictions on public liquor consumption in parks. This would mean that park owners could allow public liquor consumption without food in designated picnic areas and within our parks. This would apply to municipal parks, privately operated parks, as well as picnic areas in provincial parks and recreational areas.



*If passed, it will ultimately be up to the owners and operators of any given park whether or not to allow liquor consumption in marked areas. So unless it is made explicitly clear through signage, Albertans should assume it is not permitted, but this amendment is about giving responsible adults the ability to enjoy a drink out in our provincial parks and eliminating red tape that hampers municipalities and landowners from making decisions for their community members."*

Prior to the amendment taking place, under the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 the owner or operator could permit liquor consumption in public parks with food. Section 89 of the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 is below, with the changes to the legislation indicated in red:

**Public place**

**89(1)** *Except as provided in this Act, no person may use or consume liquor in a public place or any place other than a residence, temporary residence, licensed premises or a place or class of place prescribed in the regulations where liquor may be used or consumed.*

**(2)** *Despite subsection (1), a person may consume liquor ~~with food~~ in a public park in a picnic area designated by the owner or operator of the public park during the hours designated by the owner or operator if a sign is posted that*

- (a) states that a person may consume liquor ~~with food~~ in the designated picnic area,*
- (b) sets out the designated picnic area, and*
- (c) sets out the hours when liquor may be consumed ~~with food~~.*

**(3)** *A person must stop consuming liquor in a designated picnic area if a peace officer on reasonable and probable grounds believes that the person is intoxicated ~~or is not consuming food while consuming liquor in a designated picnic area~~ and the peace officer requests that person to stop consuming liquor.*

1996 cG-0.5 s86

The legislation does not define "designated picnic area" or provide any direction as to what may or may not qualify as a picnic area. There are no requirements that designated areas be fenced or otherwise separated from the general park area.

As of July 2019, liquor consumption was permitted (with food) in the following provincial park day use areas from 11:00 AM to 9:00 PM:



- South Region – Beauvais Lake Provincial Park (Beaver Creek day use), Cypress Hills Provincial Park (East Elkwater day use), Dinosaur Provincial Park (main day use)
- Kananaskis County/Calgary – Little Elbow Provincial Recreation Area (Forget-me-not Pond day use), Spray Valley Provincial Park (Wedge Pond day use), Fish Creek Provincial Park (Hulls Wood day use), Cobble Flats Provincial Recreation Area (Cobble Flats day use)
- Central Region – Miquelon Lake Provincial Park (main day use), Pigeon Lake Provincial Park (main day use), William A Switzer Provincial Park (Kelley's Bathtub day use)
- Northeast Region – Sir Winston Churchill Provincial Park (day use C picnic shelter), Beaver Lake Provincial Recreation Area (day use picnic shelter), Whitney Lakes Provincial Park (Ross Lake day use shelter).

Since July 2019, alcohol could be consumed in these specific areas with food. As of June 17, 2020 the requirement that consumption take place with food is removed. All other requirements remain the same, including:

- Signs in the designated parks will indicate which day-use area picnic sites allow liquor consumption.
- All other regulations will continue to be enforced to ensure all visitors to be able to enjoy the parks in their own way.
- Liquor is prohibited in public areas including:
  - on roads, trails and walking paths;
  - public beaches;
  - in washrooms and shower buildings;
  - in cook shelters; and
  - in boats.

In the spring 2020, Edmonton was set to consider allowing alcohol consumption in specific picnic areas in Edmonton parks, however, as a result of COVID-19 the decision has been delayed indefinitely.

In 2019, as a result of public interest, the City of Calgary explored allowing liquor consumption in municipal parks. The City ultimately decided not to proceed with the pilot program because the logistical and enforcement issues were deemed to be too complex to move forward. The City of Calgary noted: "Our commitment to ensuring park experiences remained positive for all users remains paramount." The City noted the outstanding concerns as:

- concerns from regulatory and enforcement agencies,
- divided public opinion,
- resource constraints,



- concerns with changing liquor consumption would have a cascading effect on other existing restrictions (public consumption of both alcohol and cannabis are similar, when you change one, there is potential for citizens to think both are allowed).

The results of Calgary's public engagement in relation to liquor in parks is included for information. Calgary's current approach to liquor consumption in public parks is zero tolerance.

**Alternatives:**

**Recommended Action:**

This report is provided for discussion purposes.

**Budget Implications (Yes or No):**

**Submitted by:**

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