

Recording Requirements for the Sale of Bear Spray

ISSUE

Wildlife control products, commonly referred as bear spray, are designed to repel wildlife through dispensing pressurized liquid containing oleoresin capsaicin as the active ingredient. The product is not intended for use on humans or in an urban setting.

The Saskatoon Police Service have submitted a proposal to Administration requesting bylaw amendments to introduce recording requirements at the time of purchase, along with other regulations related to the sale of bear spray. Should Bylaw No. 9746, The Business Licence Bylaw, 2021, be amended to regulate the sale of bear spray?

RECOMMENDATION

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that:

- 1) Bylaw No. 9746, The Business Licence Bylaw, 2021, be amended to include reporting requirements for the purchase of bear spray, as outlined in this report; and
- 2) City Council write a letter to the Province of Saskatchewan, Ministry of Justice and Attorney General, requesting that additional provincial regulations addressing the sale of bear spray be considered on a province wide basis.

BACKGROUND

Incidents involving bear spray have significantly increased in recent years, in Saskatoon and across Canada. As a result, Administration have been meeting with representatives from the Saskatoon Police (SPS) regarding possible actions the City of Saskatoon (City) could implement to assist the SPS in combatting this issue. The following tables show bear spray related incident data for 2021 to 2024 collected by SPS.

Year	Reported Bear Spray Incidents
2021	185
2022	179
2023	256
2024	367

Age of Offenders Charged, Warned, Responsible, Suspect of Violent Crime Involving Burning Liquid/Caustic Agent/Acid				
	2021	2022	2023	2024
Adults	39	32	44	49
Youths	12	12	43	74
Total	51	44	87	123

The number of reported bear spray incidents in Saskatoon have nearly doubled from 2021 to 2024. Offences committed by youth have increased by 517% over this same period. In 2024, 60% of bear spray related incidents were committed by youth, compared to 24% in 2021.

Bear spray is already regulated in Canada by the provincial and federal governments. The level of regulation differs between provinces. Some municipalities have implemented additional regulation focused on the sellers of bear spray. A jurisdictional scan regarding bear spray is attached (see Appendix 1).

[Bylaw No. 9746, The Business Licence Bylaw, 2021](#) (Business Licence Bylaw), requires businesses conducting pawn transactions or purchasing non-exempt second-hand goods to record the transaction and inform the SPS. The SPS have requested the City implement similar regulation regarding the sale of bear spray. Correspondence received from the SPS is attached (see Appendix 2).

DISCUSSION/ANALYSIS

The City has limited tools in this area. Cities in Saskatchewan are created by provincial legislation and only have the powers designated in that provincial legislation. Under the Constitution of Canada, the federal government has the legislative authority to enact provisions related to criminal law. The federal government also regulates what pesticides can be imported into, sold or used in Canada. The provincial government has the authority to regulate the sale, use, storage, transportation and disposal of registered pesticides, as long as the measures are consistent with any conditions or limitations imposed by the federal government. At the municipal level, Section 8 of *The Cities Act* provides the City with broad authority to create a bylaw. It specifically allows the City to pass bylaws with respect to businesses, business activities and persons engaged in business. Included in the City's jurisdiction is the ability to provide terms and conditions on any licence, permit and approval and set out the nature of the terms and conditions.

Similar provisions exist in other jurisdictions and other cities have used the legislative jurisdiction provided to them to impose obligations on the sellers of bear spray. Both Edmonton and Vancouver have passed amendments to their respective business licence bylaws requiring the sellers of bear spray to:

- Not sell the product to a person under a specified age;
- Require identification to be provided before the sale;
- Keep the bear spray in a locked area, or in an area inaccessible to the public; and
- Make a record of each sale of bear spray and keep the record for a specified period of time.

Recording Requirements for the Sale of Bear Spray

Administration is proposing similar regulation in Saskatoon, intended to reduce the availability of the product to minors, reduce the number of bear spray incidents and provide records that could assist in an investigation. Administration has modeled this proposal on the provisions in the Business Licence Bylaw with respect to second-hand dealers and junk and salvage yards. The following requirements are proposed:

- 1) Sellers may not sell bear spray to any person under the age of 18 or a person who fails to identify themselves, as required by the Bylaw;
- 2) The employee selling the bear spray must be at least 18 years of age; and
- 3) A seller shall obtain and record the following information before selling bear spray to any person;
 - The name, address, telephone number and date of birth of the person purchasing the bear spray;
 - The identification number from two pieces of identification, one of which must include a photograph;
 - A description of the goods purchased, including the manufacturer, model, size, quantity, serial number, or identifying mark of the product;
 - The day, month and time of the purchase;
 - The name of the employee who sold the bear spray, along with confirmation from the employee that the identification provided matches the purchaser; and
 - The records must be kept in a form acceptable to the City.
- 4) Sellers will be required to retain the records for a period of two years, from the date of sale and provide the records to the City upon request. Records may be provided by the City to the Saskatoon Police, upon request;
- 5) The product must be stored out of view of customers and be inaccessible to the public; and
- 6) Only products containing manufacturer's serial numbers and labels may be sold. Containers that have been altered in any way may not be sold.

Businesses not in compliance with the proposed regulations would be subject to enforcement under the Business Licence Bylaw, which may include fines, suspension of the business licence to operate and/or termination of the business licence to operate. Fines would be determined by a Justice of the Peace at bylaw court and would fall under Section 40 of the Business Licence Bylaw:

- In the case of an individual, to a fine not exceeding \$10,000.00 and in the case of a continuing offence, to a further fine not exceeding \$10,000.00 for each day during which the offence continues; and
- In the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$25,000.00 for each day during which the offence continues.

These are the maximum fines allowed under the Business Licence Bylaw and authorized by *The Cities Act*. It is unlikely a court would order a fine to the maximum

amount, but it does provide flexibility depending on the facts of the offence. Typically, the court has ordered fines in the range of \$1,000.00 to \$2,000.00 under the Business Licence Bylaw.

Any bylaw would only be enforceable in the City. Given the size of bear spray, it can be easily transported; therefore, provincial rules targeting the sellers of bear spray may assist in preventing the unlawful use of bear spray. The Province of Manitoba has implemented such regulations. Administration is recommending that City Council request the Government of Saskatchewan to consider province-wide regulations addressing recording of sales, online sales and delivery, as well as mechanisms to limit the sale of bear spray to sporting good or outdoor activity businesses.

Notification of Proposed Amendments

Businesses known to sell bear spray have been notified of the proposed bylaw amendments via hand delivered letter and in-person meetings.

Larger format sporting goods retailers advised they have been implementing similar voluntary recording procedures and are supportive of the bylaw amendments. No businesses advised they were opposed to the proposed amendments.

OTHER IMPLICATIONS

There are no privacy, legal, social, environmental or financial implications identified.

NEXT STEPS

Should City Council support the proposed recommendations, the proposed Bylaw will proceed to Council on July 30, 2025. Should the bylaw amendments be adopted, Administration and the SPS will contact businesses known to sell bear spray to inform them of the requirements.

SPS will monitor bear spray incident numbers to help evaluate the effectiveness of the amendments.

APPENDICES

1. Jurisdictional Scan
2. Saskatoon Police Bear Spray Proposal

REPORT APPROVAL

Written by: Mark Wilson, Licensing and Permitting Manager
Reviewed by: Matt Grazier, Director of Community Standards
Cindy Yelland, City Solicitor
Approved by: Celene Anger, General Manager, Community Services