



TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health and CEO

DATE: 2014 November 20

PROVINCIAL GOVERNMENT AMENDMENTS TO SMOKE-FREE ONTARIO ACT

Recommendation

It is recommended that Report No. 069-14 re Provincial Government Amendments to Smoke-Free Ontario Act be received for information.

Key Points

- Effective January 1st, 2015, it will be illegal to: smoke on bar and restaurant patios; smoke within 20 meters of recreational amenities, sports fields and spectator areas on publicly-owned land; and sell tobacco on post-secondary educational campuses, in elementary and secondary schools, and in day nurseries.
- The regulatory amendments ensure that all Ontario communities have the benefit of the same level of protection from exposure to second-hand smoke and tobacco use.
- Over the next few months, the Health Unit will work together with our municipal and provincial partners to support the smooth implementation of the new requirements under the *Act*.

Background

Tobacco use remains the leading cause of preventable disease and death in Canada. Tobacco-related disease costs Ontario's healthcare system an estimated \$2.2 billion in direct health care costs and an additional \$5.3 billion in indirect costs such as lost productivity. To reduce the burden of illness from tobacco use and to meet the Ontario Government's goal of achieving the lowest smoking rate in Canada, smoking rates need to continue to decline, tobacco prevention efforts need to be sustained and people need to be protected from exposure to tobacco product use and tobacco smoke. Based on recent research about the harmful effects of outdoor exposure to second-hand smoke and the impact that social exposure to tobacco use has on initiation of tobacco use among youth, young adults and those individuals who have recently quit, the current level of protection provided by the [Smoke-Free Ontario Act \(SFOA\)](#) is inadequate. Ontario residents are ready for more comprehensive and consistent levels of protection from exposure to second-hand smoke and tobacco use.

Summary of Amendments to Ontario Regulation 48/06 under the SFOA

Outdoor Smoking Restrictions – Effective January 1st 2015

Smoking is restricted on all bar and restaurant patios. Uncovered patios owned or occupied by a Royal Canadian Legion branch in Ontario as of November 18, 2013 would be exempt from the legislation. Smoking is banned within 20 metres of playground equipment and the perimeter of sports fields, sport surfaces and spectator areas adjacent to sports fields. The prohibition would not apply to privately owned sports fields or sports surfaces, or to publicly- or privately-owned golf courses.

Additional Prohibition on the Sale of Tobacco Products – Effective January 1st, 2015

Tobacco sales are banned on post-secondary education campuses, in elementary and secondary schools, and in day nurseries.

The Impact on Middlesex-London and Next Steps***Parks, Playgrounds and Sports Fields***

Under the City of London's [*Smoking Near Recreation Amenities and Entrances Bylaw*](#), smoking is prohibited within 9 meters of recreational amenities within city parks and entrances to city-owned buildings. Under Section 6 of the Bylaw, if a provision conflicts with an *Act* or a regulation or another bylaw, the provision that is the most protective of health prevails. This means that the amendments to Ontario Regulation 48/06 under the *SFOA* provide greater protection for Londoners by increasing the set back from recreational amenities, sports fields and spectator areas from 9 meters to 20 meters. Since entrance-ways to municipally-owned buildings are not included in Ontario Regulation 48/06, London's Bylaw will remain in effect and the Health Unit will continue to enforce the restriction on smoking within 9 meters of entranceways to arenas, community centres, libraries, City Hall and other city-owned buildings.

The Ministry of Health and Long-Term Care is providing prescribed signage for installation within parks, playgrounds and sports fields; however, municipalities are responsible for the installation of the signs, including covering the costs of installation. The Health Unit will be reaching out to our municipal partners to work with them to ensure that their obligations under the law are understood to support the smooth implementation and promotion of the new restrictions on tobacco use.

Bar and Restaurant Patios

The majority of Middlesex-London residents (73%) support a smoking ban on bar and restaurant patios. Smoke-free patios will help to limit hospitality workers' exposure to second-hand smoke and reduce social role modelling of tobacco use to children, youth and young adults as a "normal" and "routine" part of socializing over food and drinks. Tobacco Enforcement Officers will be reaching out to proprietors of bars and restaurants across Middlesex-London to ensure that they understand their obligations under the law. Over 100 studies have found no impact on restaurant and bars sales resulting from indoor smoking bans in these venues and many did not have outdoor patios where smokers could go outside to smoke. Furthermore, in Canada, four provinces, seven large cities, and many smaller communities have implemented smoking bans in outdoor venues between 1996 and 2012 and none have reported economic harm.

Next Steps

Over the next few months, the Health Unit will work together with our municipal and provincial partners to support the implementation of the new requirements under the *Act*. Preventing tobacco use and ensuring a consistent level of protection from the harmful effects of tobacco use and second-hand smoke across Ontario will help us to reduce the burden of disease from a product that has no safe level of use and that kills half of its long-term users.

This report was prepared by Ms. Linda Stobo, Manager, Chronic Disease Prevention and Tobacco Control Team.



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Medical Officer of Health

<p>This report addresses the following requirement(s) of the Ontario Public Health Standards: Foundations: Principles 1, 2; Comprehensive Tobacco Control: 1, 5, 7, 11, and 13.</p>
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