

# INFORMATION REPORT

<b>TO:</b>	Mayor and Members, Board of Health
<b>COMMITTEE DATE:</b>	April 1, 2015
<b>SUBJECT/REPORT NO:</b>	Smoke-Free Ontario Act Regulatory Amendments and By-law 11-080 "Prohibiting Smoking within City Parks and Recreation Properties (BOH15009) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Heidi McGuire 905-546-2424 ext. 6170
<b>SUBMITTED BY:</b>	Jessica Hopkins, MD, MHSc, CCFP, FRCPC Acting Medical Officer of Health Public Health Services Department
<b>SIGNATURE:</b>	

## Council Direction:

Not applicable

## Information:

The Ministry of Health and Long-Term Care announced Regulatory 48/06 Amendments to the Smoke-Free Ontario Act this past November 2014. The following "new" Regulations came into effect on January 1, 2015 making it illegal to:

- Smoke tobacco and hold lighted tobacco within 20 metres of playgrounds and sporting areas, and on spectator areas adjacent to sporting areas.
- Smoke tobacco on bar and restaurant patios with an exemption for Legions that established a bar or restaurant patio prior to November 18, 2013 that was compliant with prior regulation (no roof-top covering).
- Sell tobacco on university and college campuses, schools, private schools and day nurseries, including private home day cares.

By-law No. 11-080 "Prohibiting Smoking within City Parks and Recreation Properties" was approved by the Board of Health February 28, 2011 and subsequently City Council in March 2011. The By-law came into effect on May 31, 2012 and prohibits smoking in or at parks and playgrounds, recreation centre/arena/pool properties, skateboard parks, outdoor pools, sports fields, public beaches and stadium properties.

The chart below provides a comparison between the new provincial Regulations and City of Hamilton By-law #11-080.

### **Comparison of SFOA Regulatory Amendments and City of Hamilton By-law**

	<b>SFOA Regulatory 48/06 Amendments</b>	<b>City of Hamilton By-law #11-080</b>
Bar and restaurant patios	Requires bar and restaurant patios to be 100% smoke-free	Not covered
Parks and playgrounds	Prohibits smoking within 20 metres of playgrounds and within 20 metres of the perimeter of a children's playground, including slides, swings, climbing apparatuses, splash pads, wading pools & sand boxes. Applies to provincial, municipal and private playgrounds, excluding those located in a residential area.	Prohibits smoking in municipal parks and playgrounds
Recreation centres & arenas	Not covered	Prohibits smoking on municipal recreation centre and arena property
Skateboard parks	Not covered	Prohibits smoking at municipal skateboard parks
Outdoor pools	Not covered	Prohibits smoking at municipal outdoor pools
Sporting fields	Prohibits smoking within provincial, municipal or post-secondary sporting areas, spectator areas adjacent to sporting areas and public areas within 20 metres of sporting areas	Prohibits smoking on municipal sporting fields

Public beaches	Prohibits smoking only on beach volleyball courts, spectator areas adjacent to sporting areas and public areas within 20 metres of sporting areas	Prohibits smoking on municipal beaches
Stadium property	Prohibits smoking within provincial, municipal or post-secondary sporting areas, spectator areas adjacent to sporting areas and public areas within 20 metres of sporting areas	Prohibits smoking at municipal stadiums

### **Implications for Smoke-Free Ontario Act & City of Hamilton By-law Enforcement**

Either the by-law or SFOA can be enforced if tobacco smoking occurs on or near sports fields, children's play areas or other specified outdoor areas. In some instances, this may include areas within parks or other recreation properties falling under the municipal by-law. Consideration will be given to enforcement of the SFOA in these situations as part of the Ministry's approach to healthy living, and depending on the evidence available to support a charge.

Public Health Services' Tobacco Enforcement will continue to inspect and enforce City of Hamilton By-law #11-080 at City parks and recreation properties and apply Smoke-Free Ontario Act Regulations as warranted. Tobacco Enforcement Officers will inspect and enforce the new Regulations using a combination of prescribed proactive inspections and respond to complaints from the public and/or operators.

As detailed in BOH15007 (City Wide) received and approved by the Board of Health on February 19, 2015, Public Health Services intends to submit a one-time 100% funding request to the Ministry of Health and Long-Term Care within its 2015 Program Based Grants budget submission in the amount of \$20,000.00. This additional one-time funding would be allocated towards Tobacco Enforcement Officer overtime and travel expenditures incurred in response to complaints specific to the "new" Regulations.

One tobacco retailer was affected by the Regulatory 48/06 Amendment specific to prohibiting tobacco sales on university and college campuses. This retailer proactively moved towards compliance in cooperation with Mohawk College in advance of January 1, 2015. Public Health Services' Tobacco Enforcement conducted a compliance check of the retail premise in early January 2015 at which time the operator was in compliance with the new Regulation.

## **Public and Operator Education**

The Ministry of Health and Long-Term Care (MOHLTC) initiated a public education campaign in December 2014 to promote and communicate these changes to the public and to specific owner/operators affected by the Regulations. The MOHLTC will execute a province-wide communications campaign commencing this spring 2015.

Public Health Services has been responding to and providing information and Smoke-Free Ontario Act no-smoking signs (produced and supplied to Public Health Units by the MOHLTC) to bar and restaurant owners with patios and to locations affected by the new Regulatory Amendments. Public Health Services will conduct further promotion and public education activities commencing this spring when patios are open and sports fields are being more fully utilized.

## **Appendices**

Not applicable