

ITEM	11
MANAGER'S REPORT #	12
COUNCIL MEETING	96/04/22

TO: CITY MANAGER 1996 APRIL 17

FROM: MEDICAL HEALTH OFFICER

SUBJECT: 100% INDOOR AIR SMOKING BYLAW

PURPOSE: To provide Council with information on:

- a) positions of other GVRD municipalities on the proposed 100% Indoor Air Smoking Bylaw;
- b) methods of enforcement that will be undertaken by other GVRD municipalities; and
- c) City of Vancouver's proposed Smoking Bylaw on outdoor patios.

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RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

1.0 INTRODUCTION:

At the 1996 March 26 Council Meeting, Council received a presentation from Ms. D. Wotherspoon expressing support for a 100% Indoor Air Smoke-free Bylaw. Arising from the presentation, Council adopted a Motion requesting staff to provide information on the positions of other GVRD municipalities regarding the proposed regional bylaw, how they plan to enforce the new bylaw, and the City of Vancouver's proposed Smoking Bylaw respecting outdoor patios.

**2.0 GVRD MUNICIPALITIES' POSITIONS REGARDING THE 100% INDOOR AIR SMOKING BYLAW:**

The GVRD Regional Task Force on Indoor Air Smoking Bylaw is currently exploring the possibility of reaching a general consensus on a regional 100% smoke-free bylaw. Of the 17 lower mainland municipalities, 13 have decided to increase the non-smoking seating requirement in restaurants to range from 70% to 100%. Two municipalities have decided not to support the 100% smoke-free ban in restaurants and two other municipalities have not yet taken a position on the matter. Attachment #1 is a chart outlining GVRD municipalities' positions on the proposed bylaw as it relates to various sectors of the hospitality industry. Attachment #2 is a map illustrating those GVRD municipalities who are supporting the 100% ban in restaurants, those who will be moving to 100% ban over a period of three years, and others who are supporting a different percentage or who have not yet decided. This map also indicates that there appears to be 73% support, as represented by population, for a 100% smoking ban in restaurants either immediately or phased in over a period of three years.

On 1996 May 01 the Regional Task Force will be meeting to further discuss this matter.

**3.0 RESTAURANT AND FOODSERVICES ASSOCIATION OF B.C. POSITION ON THE 100% INDOOR AIR SMOKING BYLAW:**

The Restaurant and Foodservices Association of B.C. have made presentations to various lower mainland Councils opposing the proposed 100% smoking ban in restaurants only. The Association insists that a 100% ban on smoking must apply equally and fully to all hospitality businesses to ensure a "level playing field" among competing businesses.

On 1996 March 25 the Association amended their previous position and is making the following recommendations regarding smoking throughout the GVRD.

- 1) 70% non-smoking section, increasing in accordance with consumer demand.
- 2) No minors permitted in smoking section.
- 3) Employees not permitted to smoke on the premises.
- 4) Sale of cigarettes not permitted on premises.
- 5) Appropriate warning signage posted at entrances and in washrooms.
- 6) Decals on entrance doors - "non-smoking section provided" or "100% non-smoking".
- 7) On January 1, 2000 all restaurants, neighbourhood pubs, bars, hotel lounges, cabarets, etc. to become 100% smoke-free.

**4.0 GVRD MUNICIPALITIES' PLAN ON ENFORCING THEIR NEW SMOKING BYLAW:**

Two jurisdictions, the Cities of Vancouver and New Westminister, have formally presented a bylaw proposal with an implementation plan to their respective Councils. Both proposals call for a six month educational program after enactment of a bylaw before enforcement measures would begin. Enforcement measures could include warning letters, the issuance of violation tickets, or court charges. Enforcement in Vancouver and New Westminister would be conducted by their respective Health Departments. Violations of the provisions of any new Indoor Air Smoking Bylaw would be brought to the attention of Health Department staff by complaints or by inspectors' routine inspections of food premises and other public places.

While other GVRD jurisdictions have not made formal implementation proposals to their Councils, comments received by staff have indicated that a three to six month educational phase after adoption of a new Indoor Air Smoking Bylaw would likely precede strict enforcement.

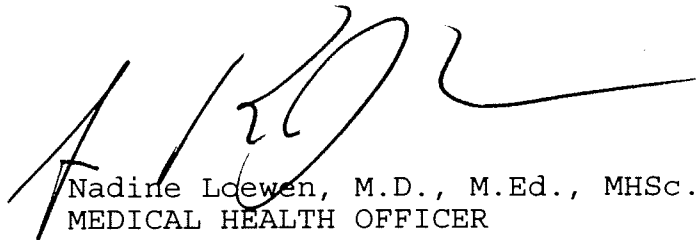
Existing indoor smoking bylaws in the GVRD are presently enforced by either Health Department/Unit staff or bylaw enforcement officers. Health Department staff enforce current smoking restrictions in Burnaby, New Westminister, and Vancouver. Bylaw enforcement staff enforce current smoking restrictions in Richmond, Delta, Maple Ridge, Pitt Meadows, Coquitlam, Port Coquitlam, Port Moody, Surrey and the City of Langley. There is combination of both Health Unit staff and bylaw enforcement officers enforcing current smoking restrictions in West Vancouver, City and District of North Vancouver, White Rock and the Township of Langley.

**5.0 CITY OF VANCOUVER'S SMOKING BYLAW ON OUTDOOR PATIOS:**

According to the Vancouver Health Department, the proposed City of Vancouver Smoking Bylaw will not prohibit smoking in restaurant outdoor patios provided the outdoor patio is not covered with a permanent roofing structure.

**6.0 CONCLUSION:**

At the present time 13 of the 17 lower mainland municipalities have decided to increase the non-smoking seating requirement in restaurants to range from 70% to 100%. As represented by population there appears to be approximately 73% support for a 100% smoking ban in restaurants either immediately or over a period of three years. With respect to enforcement of the new bylaw it is anticipated that this bylaw will be either enforced by Health Department/Unit staff or by municipal bylaw enforcement officers, and that there will be a three to six month educational phase after adoption of the bylaw and prior to strict enforcement.



Nadine Loewen, M.D., M.Ed., MHSc.  
MEDICAL HEALTH OFFICER

TS/VGE/gl

Attachments

cc: ( ) City Solicitor  
( ) Chief Environmental Health Officer

**MUNICIPAL RESPONSES TO THE  
MHO/HOSPITALITY INDUSTRY SMOKING BYLAW COMPROMISE**

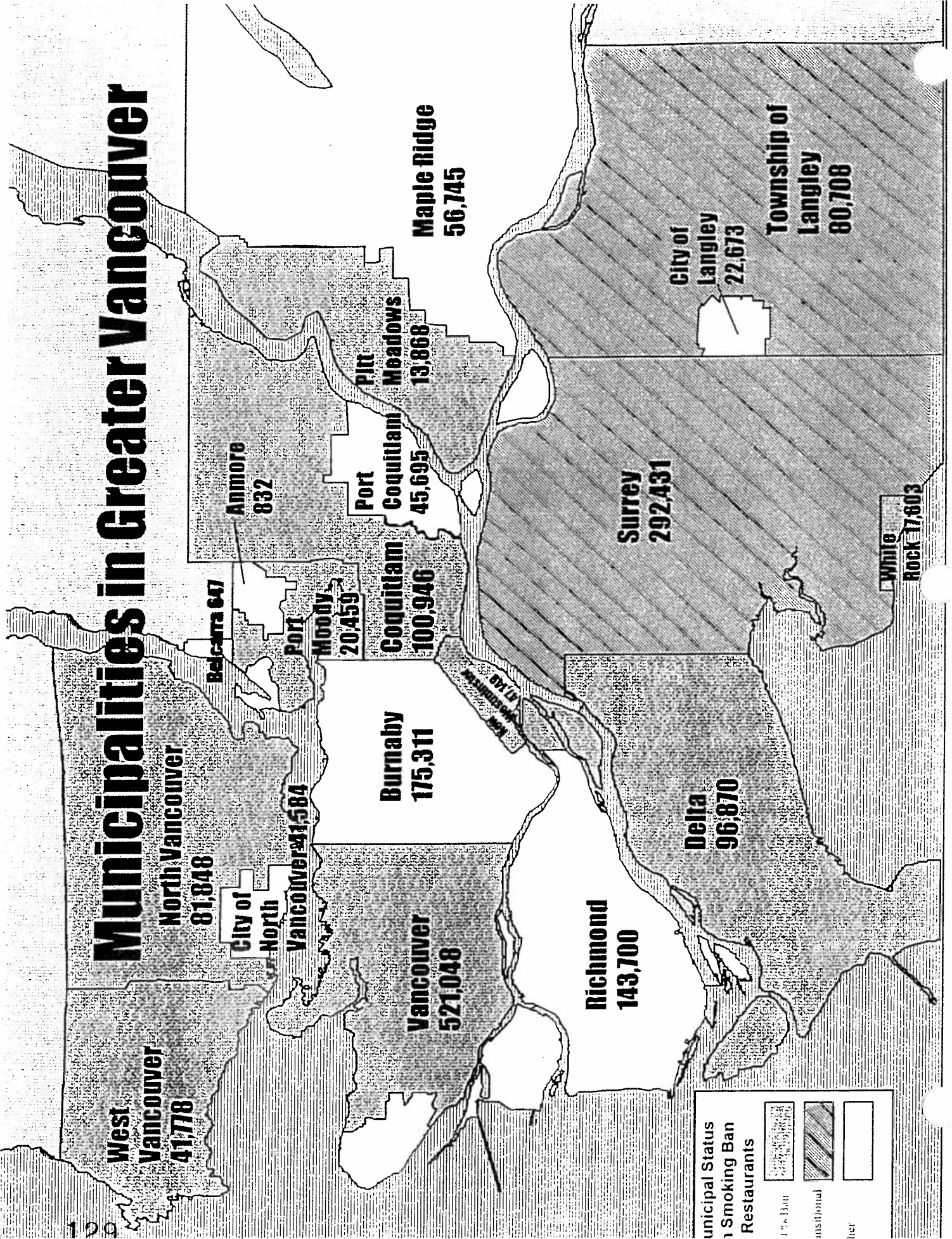
CITY	RESTAURANTS	NEIGHBOURHOOD PUBS	OTHER LIQUOR ESTABLISHMENTS	CASINOS	BINGO
Burnaby	NO RESPONSE				
Coquitlam	100%	100%	100%	100%	100%
Delta	100% in 1 Year	100% in 2 Years	100% in 2 Years	100% in 2 Years	
City of Langley	NO POSITION TAKEN				
Langley Township	Smoke free requirement in all premises starting in 3 years with 100% target reached in 8 years.				
Maple Ridge	70%	70%	70%	70%	30%
New Westminster	100%	0%	0%	0%	Minimum age limit be raised to 19 years
City of North Vancouver	NO TO COMPROMISE POSITION				
District of Vancouver	100%	100%	100%	100%	100%
West Vancouver	100%	100%	100%	100%	100%
Pitt Meadows	100%	50%	50%	100%	100%
Port Coquitlam	NO TO COMPROMISE POSITION EXISTING BYLAW TO REMAIN IN FORCE				
Port Moody <sup>1</sup>	100%	100%	100%	100%	100%
Richmond	70%	70%	70%	70%	70%
Surrey <sup>2</sup>	80%	80%	80%	80%	
Vancouver <sup>3</sup>	100%	30%	30%	30%	
White Rock	100% non-smoking in all areas that serve food including bars, restaurants and pubs.				

- NOTE: - This document attempts to interpret the motions made by various Councils. If there are any errors please contact Mr Kelvin Higo at 276-4047.
- All % refer to minimum requirement for smoke free areas.

Provided the majority of municipalities in the Lower Mainland choose to go with a 100% smoke free environment. Support 100% smoke free establishments phased in within 3 years. If regional position does not support a phase in towards 100% smoke free establishments, then ventilation systems must be installed.

Smoking permitted in separately ventilated rooms to which employees do not need access.

# Municipalities in Greater Vancouver



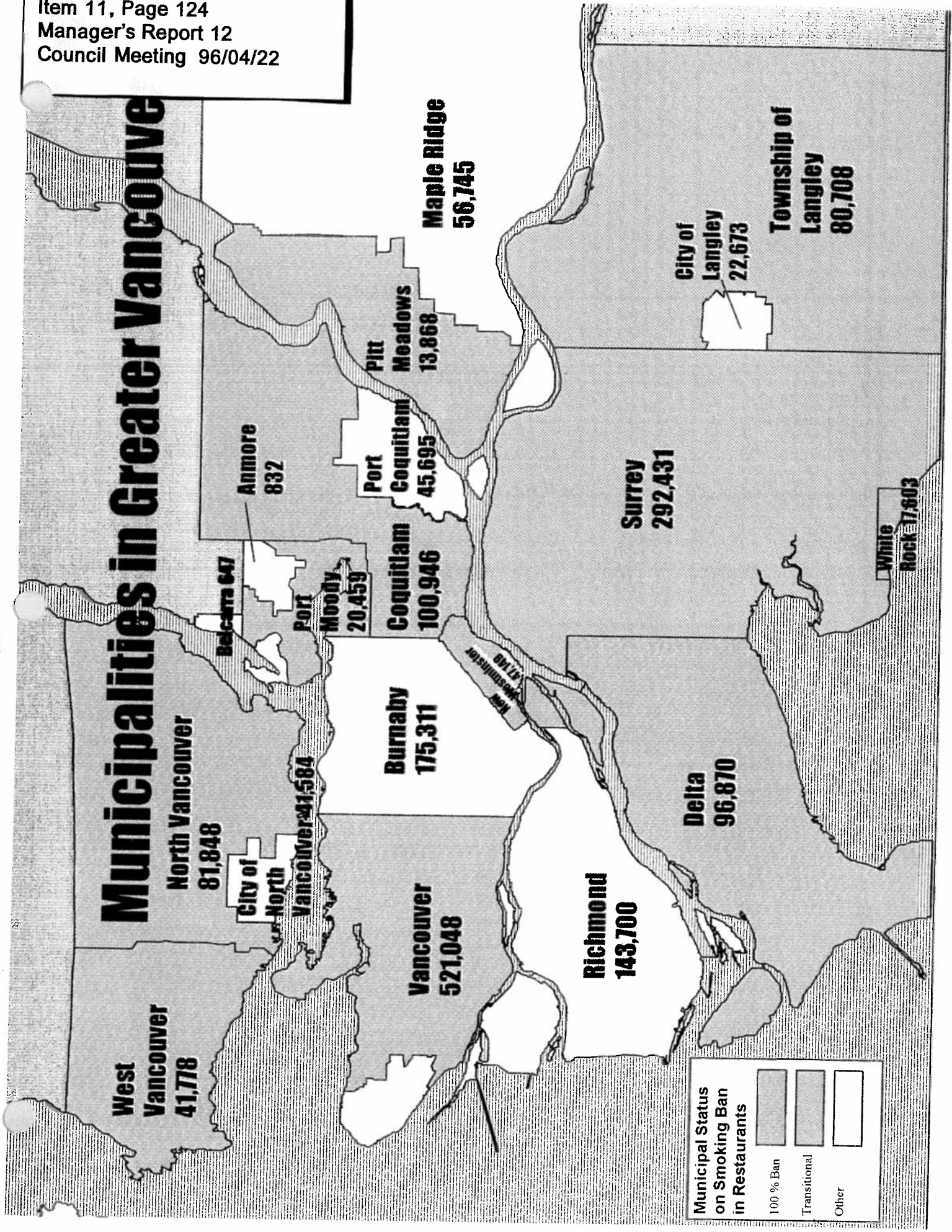
**Municipal Status**

- Smoking Ban Restaurants
- Other



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# Municipalities in Greater Vancouver



**Municipal Status on Smoking Ban in Restaurants**

- 100% Ban
- Transitional
- Other

