

TO: CITY MANAGER

2000 June 4

FROM: DEPUTY CITY MANAGER
CORPORATE LABOUR RELATIONS

SUBJECT: MUNICIPAL SMOKING REGULATIONS

PURPOSE: To provide Council with an update on smoking Regulations within the G.V.R.D. and the WCB's public hearings regarding proposed amendments to their Environmental Tobacco Smoke regulations.

RECOMMENDATION:

1. **THAT** Council approve the Medical Health Officer's request for supporting the Clean Air Coalition in their promotion of smoke-free environments during the WCB public hearings regarding a proposed amendment to their Environmental Tobacco Smoke regulation.
2. **THAT** copies of this report be forwarded to the Medical Health Officer of the Simon Fraser Health Region, the Clean Air Coalition of B.C. and Vernon Waller, 4247 Eton Street, Burnaby.

REPORT

1. BACKGROUND

Appearing on the 2000 May 29th regular meeting of Council were letters from the Medical Health Officer of the Simon Fraser Health Region which requested Council's support of the Clean Air Coalition, consisting of the British Columbia Lung Association, Canadian Cancer Society and the Heart and Stroke Foundation of B.C. & Yukon and Vernon Waller, 4297 Eton Street, Burnaby who requested Council to pass smoking regulations similar to those in effect in Vancouver, New Westminster, Port Coquitlam, Port Moody and Pitt Meadows.

This report provides Council with information on Non-smoking Regulations within the G.V.R.D., an update on the WCB's public hearing regarding proposed legislation on environmental tobacco smoke and the legal authority for Cities and Municipalities to restrict smoking.

2. NON-SMOKING BYLAW REGULATIONS WITH THE G.V.R.D.

The Medical Health Officer of the Simon Fraser Health Region has provided an update regarding Municipal Non-smoking Bylaws in the G.V.R.D. According to the Medical Health Officer, with the exception of the City of Burnaby, City of Coquitlam and Surrey, all other Cities and Municipalities in the G.V.R.D. have a 100% ban on smoking in indoor public places or have a scheduled regulation to provide for 100% ban on smoking in indoor public places by 2001 January.

For the information of Council, the Burnaby Smoking Bylaw has 100% non-smoking in restaurants, 30% non-smoking in pubs, lounges, casinos, bingo halls and 100% non-smoking in office workplaces. The City of Coquitlam has 100% non-smoking in restaurants, permits smoking in pubs, lounges, casinos and bingo halls. The City of Surrey has 100% smoking restrictions in restaurants and pubs but does not regulate smoking in casinos, bingo halls and private clubs.

See attachments 1 and 2.

3. WCB ENVIRONMENTAL TOBACCO SMOKE REGULATION

On 2000 January 1, the WCB's Occupational Health and Safety rules prohibited workers from being exposed to tobacco smoke. On March 22, 2000, the Supreme Court of British Columbia ruled that the section of the regulation that applied to bars, restaurants and long term residential facilities was null and void. The Court indicated that additional consultation should have taken place between the WCB and the affected business community.

WCB staff have advised that regulations are being proposed which will protect workers in those businesses which allow, in absence of any Municipal or City Bylaw, indoor smoking.

The WCB is now in the process of holding public hearings starting June 12, 13, 2000 in Richmond, June 15, 2000 in Prince George, June 20, 2000 in Kelowna and June 22, 2000 in Nanaimo.

WCB staff have advised that they will be evaluating public comment from the public hearings and upon conclusion will then be in a position to make public statements regarding timing of legislating the proposed regulations.

4. MUNICIPAL AUTHORITY TO PROHIBIT SMOKING

Municipalities and Cities have authority under the Provincial Municipal Act to regulate

smoking.

Section 523(1) of the Municipal Act states, "*Subject to the Health Act, a council may, by bylaw, (a) regulate persons, their premises and their activities, to further the care, protection, promotion and preservation of the health of the inhabitants of the municipality, including by prohibiting the smoking or other use or consumption of tobacco products in classes of premises specified in the bylaw*".

Any bylaw made under this section of the Municipal Act is not valid until approved by the Minister of Health.

5. MEDICAL HEALTH OFFICER'S REQUEST FOR COUNCIL'S SUPPORT OF THE CLEAN AIR COALITION

The Medical Health Officer of the Simon Fraser Health Region has requested Council's support of the Clean Air Coalition's work on protecting the region's residents and workers from the effects of tobacco smoke. It is the intent of the Clean Air Coalition to present to the WCB as part of the above noted public hearing process statements from key organizations such as the City of Burnaby of support for smoke-free environments.

As the City of Burnaby has been a leader in initiating smoking regulations in 1987, providing for 100% non-smoking in restaurants and office workplaces in 1997, it is recommended that Council advise the Clean Air Coalition of their support for smoke-free environments through WCB regulations.

6. AMENDMENTS TO THE BURNABY SMOKING REGULATION

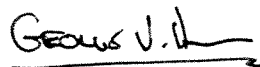
The correspondence from Vernon Waller, 4297 Eton Street, Burnaby, requested Council to amend the City's Smoking Regulation to prohibit smoking in all indoor public places. Staff will continue discussions with the Simon Fraser Health Region's Medical Health Officer and WCB staff and further report to Council in September of 2000 regarding the timing of any legislative changes to the WCB's Environmental Tobacco Smoke regulation and recommendations for amendments to the City's Smoking Regulation.

7. CONCLUSION

All member municipalities of the G.V.R.D. with the exception of Burnaby, Coquitlam and Surrey have bylaws which require 100% non-smoking in all indoor public places or will

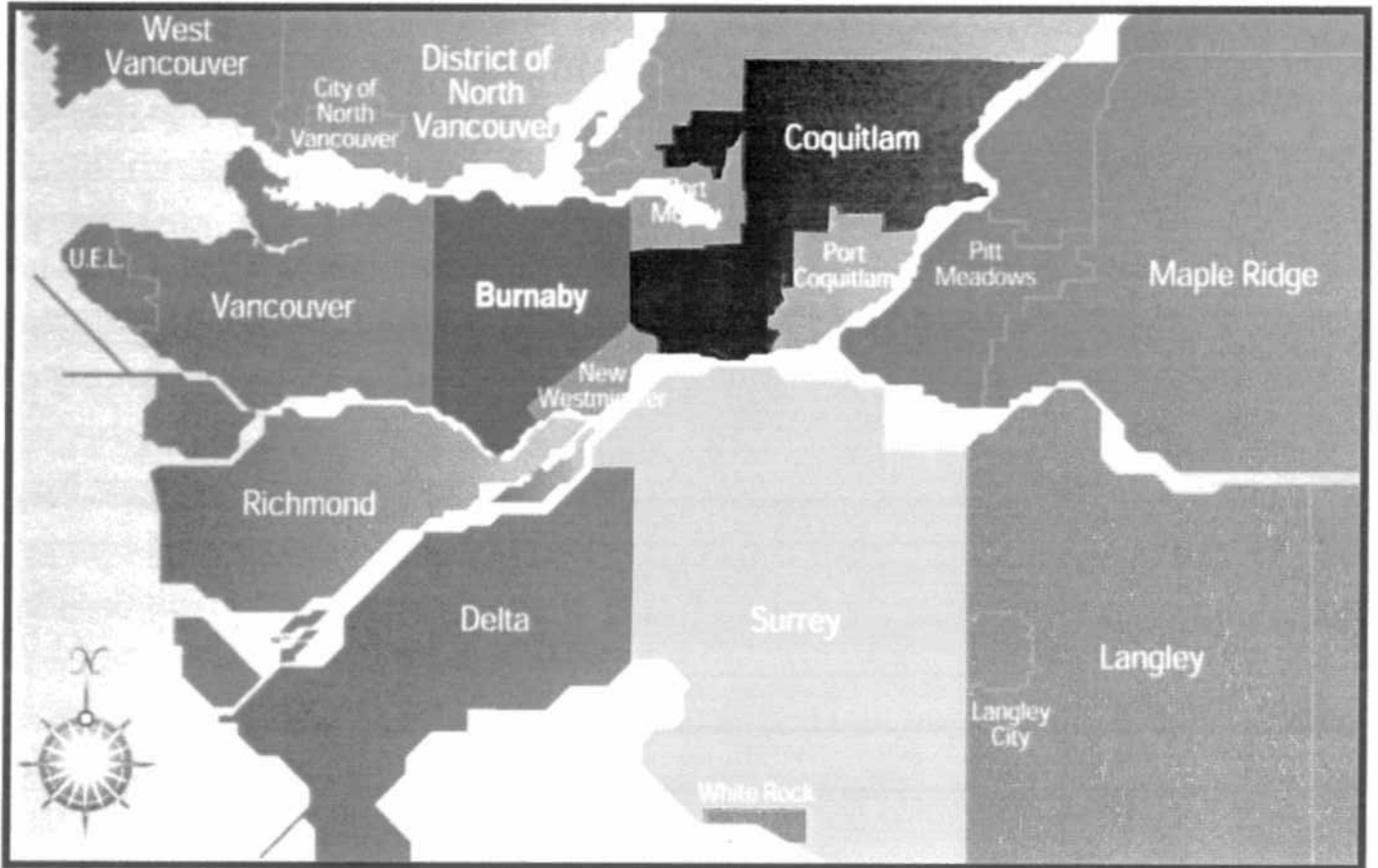
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have by January 2001. This report recommends that Council support the Medical Health Officer's request for support of the Clean Air Coalition in their presentation to the WCB at the public hearing to the proposed changes to the Environmental Tobacco Smoke regulation. Staff will continue discussions with the Simon Fraser Health Region's Medical Health Officer and WCB staff regarding the timing of any legislated changes to the WCB's Environmental Tobacco Smoke regulation. A further report on this matter will be provided to Council in September 2000.



George V. Harvie
Deputy City Manager
Corporate Labour Relations

cc City Solicitor



Currently 100% non-smoking or will be by 2001 January 1.



Restaurants 100% non-smoking. Smoking permitted in pubs, lounges, casinos, bingo halls.



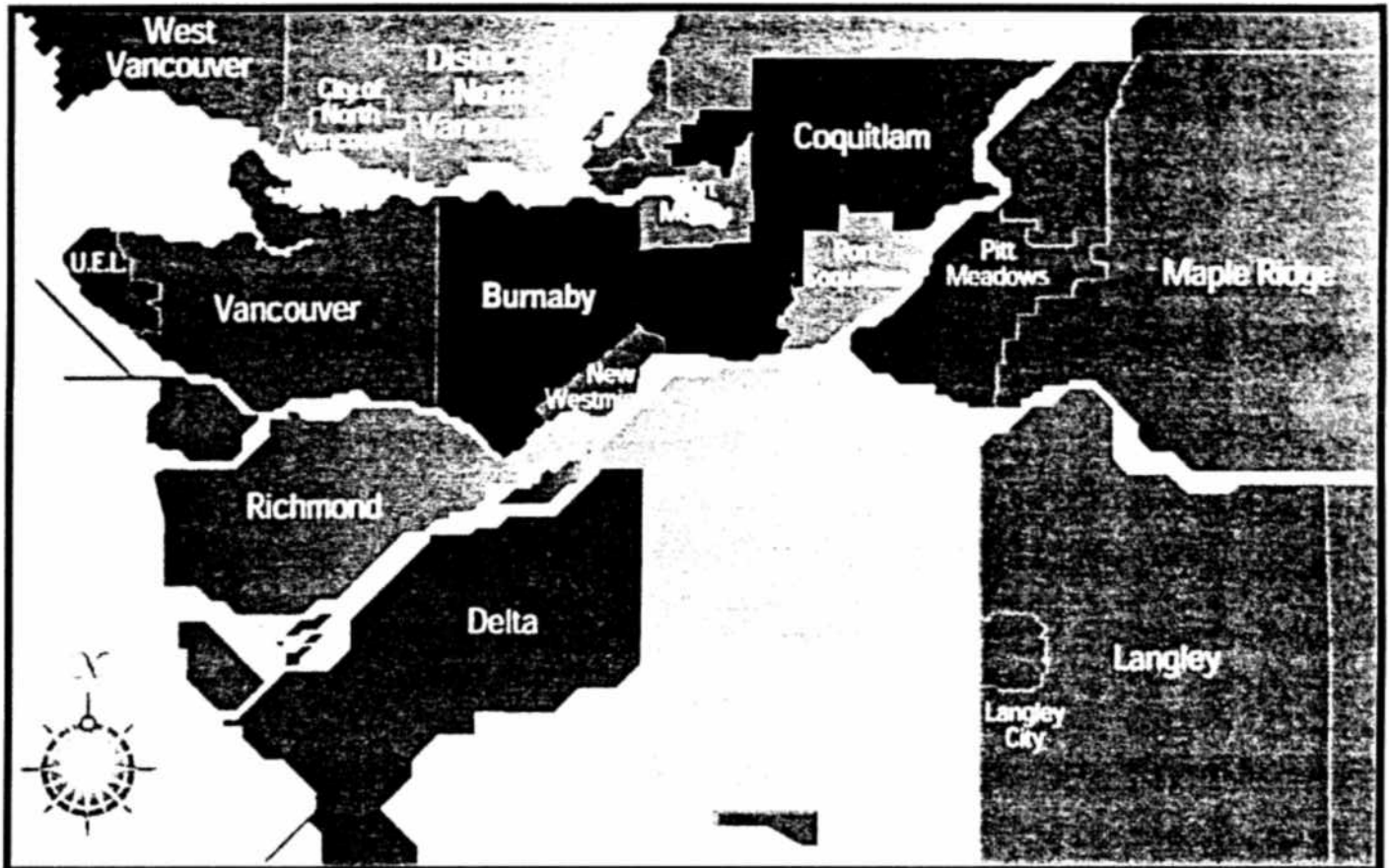
Restaurants 100% non-smoking. Smoking allowed in licensed premises, bingo halls.



Restaurants 100% non-smoking. No restrictions on casinos, bingo halls and private clubs.

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MUNICIPAL NON-SMOKING BYLAWS

MUNICIPALITY	CURRENT STATUS	POST 2000 PLANS
Burnaby Bylaw being enforced after July, 1998 amendments to Municipal Act	100% non-smoking in restaurants, 30% non-smoking in pubs, lounges, casinos, bingo halls, 100% non-smoking in office workplaces.	
Capital Regional District (Greater Victoria area) Change effective January 1, 1999	100% non-smoking in all indoor public places (restaurants, bars, pubs, lounges, bingo halls, etc.)	
Coquitlam Original bylaw amended November, 1997	100% non-smoking in restaurants. Proprietors of licensed premises and bingo halls may designate smoking and non-smoking areas within the premises at their discretion until universal legislation is adopted by the Provincial or Federal Government (e.g. WCB). 100% smoke-free offices.	No phase-out for licensed premises.
Delta Adopted and approved February, 1998. Reiterated year 2000 plans in fall, 1999	100% non-smoking in all indoor public places, including bars and pubs December 31, 1999. 100% non-smoking in pool halls and office workplaces.	
Langley (City) Effective January 1, 1997	100% non-smoking in all indoor public places, 100% non-smoking in office workplaces.	
Langley (District) Moratorium on enforcement has been in effect since bylaw was approved January 1997	100% non-smoking in all indoor public places, 100% non-smoking in office workplaces.	

MUNICIPALITY	CURRENT STATUS	POST 2000 PLANS
Maple Ridge Bylaw took effect July 15, 1997. Health Department began education with operators in March 1998. Municipality enforces bylaw.	70% non-smoking in restaurants, bars, pubs, lounges. 30% non-smoking in casinos and bingo halls. 100% non-smoking in pool halls. If pool halls serve food, 70% non-smoking restriction applies. 100% in all workplaces.	100% non-smoking in all indoor public places by January 2001.
New Westminster Bylaw took effect March 1, 1997	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, lounges, pool halls, casinos and bingo halls and office workplaces.	
North Vancouver (City) Adopted and approved July 13, 1998	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, lounges, casinos bingo halls, pool halls and office workplaces.	
North Vancouver (District) Bylaw took effect April 1, 1997	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, lounges, casinos, bingo halls, pool halls and office workplaces.	
Pitt Meadows Bylaw took effect January, 1997	100% non-smoking in all indoor public places.	
Port Coquitlam Bylaw took effect on January 1, 1999	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, lounges, bingo halls, pool halls and office workplaces.	
Port Moody Bylaw took effect on January 1, 1999	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, lounges, casinos, bingo halls, pool halls and office workplaces.	
Richmond Bylaw adopted and approved October, 1998	100% non-smoking in restaurants. No restrictions on pubs, bars, lounges and pool halls. 100% non-smoking in office workplaces.	100% non-smoking across the board. Bylaw has passed third reading and is awaiting Ministry approval.
Surrey Bylaw adopted and approved October 1998	100% non-smoking in restaurants, licensed premises and pool halls. No restrictions on casinos, bingo halls and private clubs. 100% non-smoking in office workplaces.	

MUNICIPALITY	CURRENT STATUS	POST 2000 PLANS
Vancouver Bylaw adopted May 31, 1996. Active enforcement began December 1996.	100% non-smoking in restaurants. 30% non-smoking in bars, pubs, lounges, casinos and bingo halls. 100% non-smoking in office workplaces.	100% non-smoking across the board.
West Vancouver Bylaw approved and adopted December, 1996. Active enforcement began January, 1999.	100% non-smoking in restaurants. 100% non-smoking in bars, pubs, cabarets, casinos, bingo halls, pool halls and bowling alleys.	
White Rock Original Bylaw amended October 1997.	100% non-smoking in restaurants, bars and pubs.	

SOURCE: Second-Hand Smoke: Resource Guide
 Updated May 25, 2000 by Environmental Health Services, SFHR