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THE REGIONAL MUNICIPALITY OF NIAGARA

COMMUNITY AND HEALTH SERVICES COMMITTEE SPECIAL CONSULTATION MEETING – SMOKING BYLAW REPORT 17-2001

Minutes of a special meeting of the Community and Health Services Committee being a public consultation session on the 100% Smoke-free Public Places and Workplaces Bylaw held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Monday, October 11, 2001 commencing at 6:00 p.m.

ATTENDANCE

Committee: Councillors Brickell and Eke, Co-Chairs; Zimmerman, Regional Chair; Bailey; Beamer; Bentley; Collins; Davidson; Harry; Marshall; Martin; Nicholson; Partington; Redekop; Saracino; Thomson; Timms.

Staff: Mr. Trojan, Chief Administrative Officer; Dr. Lee, Associate Medical Officer of Health; Mr. McQueen, Supervisor, Tobacco Program; Mr. Pilon, Tobacco Use Prevention; Ms. Reilly, Legislative Assistant; Ms. Pilon, Legislative Assistant.

1.

INTRODUCTION

Debbie M. Zimmerman, Regional Chair, welcomed presenters to the public consultation meeting. She advised that the purpose of the meeting is to receive input from the public with respect to the proposed "draft" 100% Smoke-free Public Places and Workplaces Bylaw. She advised that the meeting is to accommodate those speakers that were unable to speak at the last meeting, due to time constraints. Chair Zimmerman commented that the information received from the public will assist Regional Council in their deliberations of the Region's "draft" smoking by-law.

Councillor Eke, Chair, Ad Hoc Committee on Smoke-free Public Places and Workplaces Bylaw, apprised attendees of the mandate of the Ad Hoc Committee as follows:

- To address areas/topics where information needs to be explored by staff.
- To provide alternate suggestions/options with respect to the by-law based on information from staff, public and other sources.
- To identify key areas where additional feedback is required from the public and stakeholders.
- Guide staff in reporting on the proposal to be presented to the Community and Health Services Committee.

Mr. Eke introduced the other members of the Ad Hoc Committee, Councillors Bentley, Brickell, Harry and Timms and asked Councillor Brickell, as Co-chair of the Public Meeting to advise attendees of the public consultation process.

Councillor Brickell advised that there are approximately 50 speakers listed on the agenda and that each speaker is allotted 5 minutes to speak. He commented that in order to adhere to the agenda and provide everyone an opportunity to speak, each presenter will be given a 30 second warning when their time is up. Councillor Brickell advised that there will be no debate on the by-law this evening and that only questions of clarification related to the presentations will be accepted.

2. **SPEAKERS**

48 speakers were scheduled to speak. A list of these speakers is attached to the minutes. Of that list, 13 speakers did not attend and one speaker was added for a total of 36 (refer to list).

Of the list of speakers, 23 spoke on behalf of bingo halls, 9 representatives from the bar and restaurant association and 4 others.

3. **Bingo Halls**

Those representing the bingo halls made the following comments (reiterating many of the comments from the first public meeting):

- 10 Bingo Halls have operated in the Niagara Region for many years and provide an opportunity for charities to fundraise.
- Bingo events support over 420 charities in the Niagara Region.
- Profit earned by Charities in the Region – \$14,819,405.
- Total License Fees Paid the Municipalities in the Region \$2,202,091.
- Bingo halls employ about 350 people with annual payrolls more than \$5 million dollars. Those employees will face lay-off.

- By-law will have a negative economic impact on bingo halls – they will lose revenues.
- Statistical information is available that confirms the negative impact on Bingo Halls that have converted to non-smoking.
- Is the Region prepared to provide grants or subsidies to charitable organizations experiencing a loss in funding due to bingo losses?
- Volunteers and employees in smoking environments, often have choice of working in smoking or non-smoking areas.
- Traditionally, smoking and gambling have always gone hand in hand. Smokers will drive out of their way to attend a bingo hall, casino, restaurant or bar where smoking is allowed.
- Bingo halls have already experienced a reduction in revenues due to the opening of casinos and slots.
- Bingo halls have experienced a loss of revenues due to the events of September 11th, 2001 which emphasizes the dependency on neighbouring Americans.

The following options were suggested for Bingo Halls:

- Designated smoking rooms, with separate ventilation.
- A phase in period of 3 years to build DSRs in order to lessen the financial burden on bingo hall owners.
- If after three years, the designated smoking room is not built, then the bingo hall will have to comply with 100% smoke-free.

4. Restaurant and Bars/Hospitality Industry

Representatives from the restaurant and bar association and hospitality industry, made the following comments (reiterating many of the comments made at September 24th public meeting):

- By-law will have a negative economic impact on restaurants and bars.
- An economic impact study with respect to the hospitality industry is required before passing 100% Smoke-free By-law – Bylaw should not be rushed.
- Employees of restaurants and bars will face reduced wages and gratuities, possible unemployment.
- Employees in smoking environments, often have choice of working in smoking or non-smoking areas (do not mind working in smoking areas).
- Many single parents working in hospitality industry – cannot afford to lose their jobs or experience reduced wages/gratuities – no other support for children.

- Bar and restaurant owners will be unable to compete with neighbouring jurisdictions that allow smoking – patrons will drive to other restaurants that permit smoking.
- If a no smoking bylaw is implemented, it must be implemented across the board to include all establishments. It is unfair to implement a law that creates unfair competition.

The following proposal was made on behalf of the Bar and Restaurant Coalition:

- If over 75% of total sales are liquor – no smoking restrictions – but no smoking restrictions – but no admittance under 19.
- If over 75% of total sales are food – 100% ban on smoking (no DSR option).
 - Under 75% food sales – smoking permitted during designated hours; no customer admittance during designated hours under 19.
 - Smoking permitted in a designated smoking room (as defined) no customer admittance under 19
- If passed, request no review for 10 years from date of implementation (due to capital investment for DSR)
- That signage be placed at the entrance of all hospitality facilities clearly visible to patrons prior to entering the establishment, with such signage to be specific in size and wording.

5. Other – Opposed to By-law (additional comments)

- Freedom of choice – Equal rights.
- Legal substance – should not be banned.

6. Support of By-law

Those in support of the by-law, outlined the reasons for their position and made the following comments (reiterating many of the comments from September 24th, 2001 Public Meeting):

- Non-smokers' rights – do not want to be subjected to 2nd hand smoke.
- Second hand smoke causes cancer, heart disease, respiratory problems and other health problems and death.
- Increased costs for medical research/medical treatment and overall health system.
- Children and babies put at risk for respiratory and other health problems – unable to fend for themselves.
- Highly addictive – worse than some illegal drugs.

7. Alternatives/Suggestions

The following alternatives/options and suggestions to a 100% Smoke-free Public Places and Workplaces Bylaw were made:

- Exempt Bingo Halls/Slots/Casino/Gaming Industry only.
- Provision for DSRs.
- Provision for DSRS (if over 19).
- Smoke-free areas/zones.
- Extend decision on by-law 6 months to 1 year.
- Phase in by-law over several years.
- Wait for further economic impact studies on restaurants, bars, bingo halls, gaming industry in other jurisdictions/U.S who have implemented smoke-free by-laws.
- Level playing field, all or nothing – casinos/bingo halls should not receive exemptions while placing ban on other establishments.

8. CLOSING REMARKS

Chair Zimmerman and Councillors Eke and Brickell thanked speakers for their participation in the public consultation meeting and for their excellent presentations. The Regional Chair advised that the information received from the public during the two meetings will be forwarded to staff to address the many issues. A final consolidated information package will be available to all members of Regional Council to assist them in their deliberations of the smoking by-law. A Special meeting of Council has been scheduled for Thursday, October 25th, 2001 at 7:00 p.m. to consider this matter.

ADJOURNMENT

Committee adjourned at 9:45 p.m.

David Eke
Co-Chair

Gail Reilly
Legislative Assistant

Mark Brickell
Co-Chair

Thomas R. Hollick
Regional Clerk