

THE CITY OF TORONTO

Clerk's Division

Minutes of the Board of Health

Meeting No. 6

**Monday, June 28, 1999 and
Tuesday, June 29, 1999**

The Board of Health met on Monday, June 28, 1999, in the Council Chamber, 2nd Floor, City Hall, Toronto, commencing at 10:10 a.m.

Members Present:

	<u>10:10 a.m.-12:30 p.m.</u>	<u>1:00 p.m.-5:00 p.m.</u>
Councillor John Filion, Chair	x	x
Councillor Irene Jones, Vice-Chair	x	x
Ms. Jan Campbell	x	x
Mr. Robert Davies	x	x
Trustee Gerri Gershon		x
Councillor Anne Johnston		
Councillor Joan King	x	x
Ms. Gail Lindsay		
Mr. Brian MacKay	x	x
Councillor Joe Mihevc	x	
Mr. Steven Pinnock	x	x
Councillor Michael Prue	x	x
Mr. Lee Zaslofsky	x	x

Members were present for some or all of the time period indicated.

**6.1 Harmonized Environmental Tobacco Smoke (ETS) By-law
for the City of Toronto.**

The Board of Health had before it a report (June 21, 1999) from the Medical Officer of Health, entitled "Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto - Review of Community Council Meetings and Update", recommending:

- (A) Harmonization Provisions - the following recommendations pertain to the interval between enactment of a harmonized by-law and subsequent changeover to smoke-free:

- (1) that the smoking by-laws of the former municipalities of Metropolitan Toronto be repealed when the harmonized ETS by-law comes into force;
 - (2) that the harmonized ETS by-law come into force three months after its enactment by City Council;
 - (3) that all workplaces in the City of Toronto be smoke-free, except in fully enclosed designated smoking rooms (DSRs) that are separately ventilated to the outside, that make up no greater than 25 percent of the occupiable space, and into which no employee is required to enter;
 - (4) that all public places be smoke-free, except for restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks which are permitted to have unenclosed smoking in 25 percent of occupiable public space;
 - (5) that restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks that permit unenclosed smoking be required to post health warning signs at all entrances which clearly indicate that smoking is permitted;
 - (6) that employers/proprietors of workplaces and public places be required to post "no smoking" signs where smoking is prohibited;
- (B) Smoke-free Provisions - the following recommendations apply to workplaces and public places that have not already become smoke-free under the harmonization provisions of the by-law:
- (7) that restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks become 100 percent smoke-free no later than April 30, 2001;
 - (8) that public places be permitted to have designated smoking rooms that are separately ventilated to the outside and are no greater than 25 percent of occupiable public space;
 - (9) that employers/proprietors of workplaces and public places that provide a designated smoking room be required to post health warning signs at the entrances to the designated smoking room which clearly indicate that smoking is permitted;
- (C) Additional Recommendations - the following general recommendations apply to the ETS by-law:
- (10) that an education campaign be initiated by Toronto Public Health, prior to enactment of the ETS by-law, that:

- (a) informs proprietors, employers and the general public of their responsibilities under the new by-law;
 - (b) encourages compliance with the new by-law through community-based prevention and cessation activities;
 - (c) markets the benefits and opportunities available under the new by-law; and
 - (d) has an ongoing, multi-year component;
- (11) that the Medical Officer of Health continue to assist in the advertisement of smoke-free restaurants to the general public in collaboration with the Commissioner of Economic Development, Culture and Tourism, community-based organizations and the private sector, and thereby encourage the creation of additional smoke-free restaurants;
- (12) that the Medical Officer of Health evaluate the effectiveness of the ETS by-law, including economic and other measures of impact, and report thereon to the Board of Health;
- (13) that institutions such as hospitals and nursing homes continue to be covered by the provision of the provincial *Tobacco Control Act*;
- (14) that the City of Toronto develop a corporate policy to prohibit smoking in all municipal facilities, whether located in municipal or commercial buildings, except in such cases where this space is reserved for a private function such as a wedding, and that any such exemptions be time limited until April 30, 2001;
- (15) that upcoming reviews of the City's licensing by-law and local zoning by-laws give consideration to the definitions and requirements of the harmonized ETS by-law as they pertain to restaurants and bars in order to achieve standard definitions;
- (16) that City Council urge the provincial Minister of Health and the Premier of Ontario to:
- (a) review and strengthen the *Tobacco Control Act* to ensure greater protection from Environmental Tobacco Smoke across the Province and to further reduce access to tobacco products by young people;
 - (b) implement immediately the recommendations of the Minister's Expert Panel to Renew the Ontario Tobacco Strategy, including

adoption of provincial legislation that assures the attainment of smoke-free workplaces and public places across Ontario; and

(c) release previously announced funds for school-based tobacco prevention education and cessation as soon as possible; and

- (17) that City Council urge the federal Minister of Health and the Prime Minister of Canada to implement regulations pursuant to the federal Tobacco Act aimed at: preventing children from starting to smoke; improving health warning messages on tobacco packages; plain packaging of tobacco products; increasing tobacco taxes; and further restricting tobacco advertising.

The Board of Health also had before it a report (June 21, 1999) from the Medical Officer of Health, entitled "Ventilation and ETS", recommending that:

- (1) a ventilation option not be included in the proposed ETS by-law;

however, if Toronto Council decides to consider ventilation systems as an alternative to being smoke-free in the future:

- (2) (a) such systems must be designed, installed, and maintained in a manner that will control ETS so as to meet or exceed standards for ETS and/or its components, that may become established in Canada by federal and/or provincial government bodies for health protection purposes; and
- (b) problems with enforceability combined with the additional workload and costs to the City for ventilation system approvals, inspections and enforcement must be taken into consideration;

The Board of Health also had before it a report (June 10, 1999) from the City Solicitor respecting the form and content of a harmonized environmental tobacco smoke by-law which reflects the recommendations proposed by the Medical Officer of Health in her report dated March 26, 1999; and recommending that authority be granted to introduce the necessary Bill in Council in the form or substantially in the form of the by-law attached to this report; and

The Board of Health also had before it a report (June 22, 1999) from the Commissioner of Urban Planning and Development Services responding to the request of the York Community Council from its meeting of May 26, 1999, that the Commissioner of Urban Planning and Development Services report to the Board of Health on the licensing issues specified in Recommendation No. (7), as adopted; and recommending that this report be received for information.

The Board of Health also again had before it the report dated March 26, 1999, from the Medical Officer of Health outlining a process for seeking public input on proposed options for a harmonized environmental tobacco smoke by-law, and submitting a discussion paper

entitled "A Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto - Policy Options and Recommendations", which was before the Board of Health at its meeting on April 6, 1999, and which was forwarded to Community Councils for staff presentations and deputations.

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The Board of Health also had before it the following responses from the Community Councils:

(i) (May 27, 1999) from the City Clerk advising that the York Community Council, at its meeting on May 26, 1999:

(A) recommended approval of the following:

(1) Recommendation No. (2)(i), viz:

"That public places be smoke-free, except for restaurants, bars, bowling centres, casinos and bingo and billiard halls, which may have unenclosed smoking in 25 percent of space until April 30, 2001, when they become smoke-free;"

(2) Recommendations Nos. (3)(i) and 3(ii) regarding designated smoking rooms (DSRs) in public places, viz:

"(i) No DSRs, except where permitted in the *Tobacco Control Act, 1994*, (e.g. Homes for the Aged); and

"(ii) DSRs up to 25 percent of space.";

(3) Recommendation No. (4), viz:

"That the the City of Toronto develop a corporate policy to prohibit smoking in all municipal facilities including workplaces, whether located in municipal or commercial buildings, except in such cases where this space is reserved for a private function such as a wedding. Where exemptions apply, they should be time limited until April 30, 2001.";

- (4) Recommendation No. (5), viz:

“That the Commissioner of Urban Planning and Development Services be requested to consult with the Medical Officer of Health regarding revisions to the Licensing By-law to ensure these revisions have regard for the ETS By-law.”; and
- (5) Recommendation No. (6), viz:

“That the new harmonized by-law be implemented three months following its enactment by City Council.”;
- (B) requested the Medical Officer of Health to submit a status report to the Board of Health in January 2001, on the implementation of the aforementioned recommendations; and
- (C) requested the Commissioner of Urban Planning and Development Services to report to the Board of Health on:
 - (a) whether the City of Toronto should consider increasing the fee for a tobacco vending licence to \$10,000.00 or other amount to be recommended by the Commissioner, with the intent of increasing the overall per package cost of tobacco; and
 - (b) whether the City of Toronto should impose a ban on the issuance of a tobacco vending licence in combination with other vending licences, (i.e. confections) with a view to preventing the sale of tobacco in commercial establishments where children and youth frequent.
- (ii) (May 28, 1999) from the City Clerk advising that the East York Community Council, at its meeting on May 27, 1999:
 - (A) referred the following recommendations with respect to the Policy Options and Recommendations discussion document (April 6, 1999) to the Medical Officer of Health and the City Solicitor for consideration and recommendations back to the Board of Health at its meeting on June 28 and 29, 1999:
 - (1) that Recommendation No. (1) be adopted;
 - (2) that Recommendation No. (2) option (ii) be adopted subject to deleting (a) and adding the following provisions:

- (a) no restaurant, banquet hall, bowling centre, bar, bingo or billiard hall, or casino shall allow smoking if it opens for business after the implementation of the proposed harmonized ETS by-law;
 - (b) that existing restaurants, banquet halls, bowling centres, bars, bingo and billiard halls, and casinos be grandfathered, provided they have 75 percent of their space for non-smoking and the business remains in the ownership of the person or corporation as it was on the date the ETS by-law takes effect, until May 3, 2004; and
 - (c) on May 4, 2004, all restaurants in the City of Toronto shall be smoke-free unless, in the opinion of the Medical Officer of Health and with the concurrence of City Council, adequate ventilation apparatus has been developed and is installed in such restaurants; and
- (3) that Recommendation No. (4) be adopted subject to deleting the last sentence; and
- (B) requested the Medical Officer of Health to submit a report to the Board of Health for its meeting to be held on June 28 and 29, 1999, with respect to the following:
 - (1) other cities in Canada where there is a total ban on smoking in restaurants, bars, bowling centres, casinos, billiard and bingo halls;
 - (2) the problems that arose when the former City of Toronto tried to implement an ETS by-law several years ago and providing comment with respect to enforcement costs, etc.;
 - (3) the feasibility of private clubs having 75 percent of their space smoke-free;
 - (4) after May 3, 2004, allowing 25 percent of public space for smoking where the smoking section can be adequately ventilated and sealed off from the non-smoking section;
 - (5) that restaurant guides indicate which restaurants provide a smoke-free or smoking environment;
 - (6) signage be posted at entrances of restaurants, etc., indicating a smoke-free or smoking environment; and

- (7) the impact on tourism by the proposed ETS by-law.

- (iii) (June 1, 1999) from the City Clerk advising that the Scarborough Community Council, at its meeting on May 27, 1999:
 - (1) received the reports on the Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto and the associated staff presentation; and
 - (2) made no recommendation to the Board of Health respecting this matter.

- (iv) (June 3, 1999) from the City Clerk advising that the Etobicoke Community Council, at its meeting on May 26 and 27, 1999:
 - (1) endorsed Recommendations Nos. (1), (4), (5) and (6) contained in the 'Policy Options and Recommendations' paper appended to the report (March 26, 1999) from the Medical Officer of Health;
 - (2) recommended that:
 - (a) the six existing municipal by-laws respecting smoking in public places be replaced with one ETS by-law from the following option (ii), as amended:

“That public places be smoke-free, except for restaurants, bars, bowling centres, casinos, billiard and bingo halls, which may have 25 percent of their space for unenclosed smoking for a time limited period, such that:

 - (i) restaurants, casinos, bars, bowling centres, billiard and bingo halls become smoke-free April 30, 2001, with the distinction between bars and restaurants being that a bar is where alcohol is served and where admittance is restricted to persons 19 years of age and older at all times; and
 - (ii) the smoke-free date be revisited if there is an acceptable initiative to clear the air to an acceptable level; and
 - (b) the following options be selected regarding designated smoking rooms (DSRs) in public places:

- (i) DSRs up to 25 percent of space, and where permitted in the Tobacco Control Act, 1994, (e.g., Homes for the Aged), including restaurants and bars; and
 - (ii) DSRs up to 50 percent of space for bowling centres, billiard and bingo halls; and
- (3) requested the Medical Officer of Health to provide a further report with respect to Woodbine Race Track.
- (v) (June 8, 1999) from the City Clerk advising that the North York Community Council, at its meeting on May 26, 1999, received the report (March 26, 1999) from the Medical Officer of Health, and referred the following recommendations to the Medical Officer of Health and the City Solicitor, that:
 - (1) Recommendations Nos. (1), (4), (5) and (6) embodied in the policy options and recommendations attached to the report (March 26, 1999) from the Medical Officer of Health, be adopted;
 - (2) Recommendations Nos. (2)(ii)(a) and (2)(ii)(b) embodied in the policy options and recommendations attached to the report (March 26, 1999) from the Medical Officer of Health be amended to read as follows:
 - “2(ii)(a) Restaurants become smoke-free June 1, 2000, and bowling centres become smoke-free April 30, 2001”; and
 - “2(ii)(b) Casinos, bars, billiard and bingo halls become smoke-free June 1, 2001, with the distinction between bars and restaurants being that a bar is where alcohol is served and where admittance is restricted to persons 19 years of age and older at all times”;
- and the recommendations as so amended, be adopted;
- (3) Recommendation No. (3) embodied in the policy options and recommendations attached to the report (March 26, 1999) from the Medical Officer of Health be amended to reflect Option No. 1 outlined in the Fact Sheet summarizing the options being recommended by the Medical Officer of Health to the Board of Health; and the recommendation as so amended, be adopted;
- (4) the Provincial Government be requested to implement uniform Province-wide legislation to prohibit smoking in all public places, bars and restaurants,

similar to the proposed harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto;

- (5) the Federal Government be requested to make tobacco an illegal substance; and
 - (6) the Medical Officer of Health and City Solicitor be requested to report on the following:
 - (a) the filtration devices and ventilation equipment referred to in the deputations made by owners of hospitality establishments, which are currently available; and
 - (b) the feasibility of instituting performance standards which would be related to air quality.
- (vi) (June 11, 1999) from the City Clerk advising that the Toronto Community Council, at its meeting on June 8, 1999:
- (A) recommended that:
 - (1) restaurants, bars, bowling centres, casinos and bingo and billiard hall have 75 percent non-smoking and 25 percent smoking;
 - (2) the report (April 6, 1999) from the Medical Officer of Health, titled "A Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto - Policy Options and Recommendations", be amended by:
 - (a) adding a new Recommendation No. (7) to read:

"That the City make requests for proposals for a multi-year publicity and education campaign that:

 - (a) reflects Council's decisions on smoking in restaurants, bars and similar places; and
 - (b) is aimed at reducing smoking;

and that such a campaign involve funding partnerships with the private sector;" and
 - (b) adding a new Recommendation No. (8) to read:

“That the City, in co-operation with appropriate business associations, monitor carefully the economic impact of any smoking regulations on the restaurant sector;” and

- (3) the Medical Officer of Health, the Commissioner of Economic Development, Culture and Tourism, and the Commissioner of Urban Planning and Development Services report on the appropriate technology which will help to minimize second-hand smoke; and

(B) requested:

- (1) the Medical Officer of Health, in consultation with appropriate officials to report to the Board of Health, at its special meeting to be held on June 28 and 29, 1999, on the following motion by Councillor Bossons:

“That the report (April 6, 1999) from the Medical Officer of Health, titled “A Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto - Policy Options and Recommendations”, be amended by adding a new Recommendation No. (3)(iv) to read:

‘That restaurants with 40 or fewer seats be exempted from any smoking regulation on condition that they decide themselves whether to be ‘wholly smoking’ or ‘smoke-free’ and post the chosen arrangement at their door.’”

- (2) the Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, and in consultation with stakeholders, to report to the Board of Health, at its special meeting to be held on June 28 and 29, 1999, on the possibility of creating separate rules for restaurants and bars; and
- (3) the Medical Officer of Health to report to the Board of Health, at its special meeting to be held on June 28 and 29, 1999, on the New York by-law, and in her opinion, how it can be altered to make it applicable to the City of Toronto.

The Board of Health also had before it the following Resolutions adopted by the Association of Local Public Health Agencies:

- (i) Resolution No. A99-2 entitled "Ontario Tobacco Strategy", wherein it is resolved:

"That the Association of Local Public Agencies (alPHA) urge the Minister of Health to renew the Ontario Tobacco Strategy by adopting all of the recommendations made by her Expert Panel and ensuring their timely implementation immediately following the provincial election; and

That the Minister be requested to consult with alPHA during the planning and implementation of the renewed Ontario Tobacco Strategy."

- (ii) Resolution No. A99-3 entitled "Smoke-Free Environments", wherein it is resolved:

"That the Association of Local Public Health Agencies (alPHA) urge the Minister of Health to amend the *Smoking in the Workplace Act* and the *Tobacco Control Act* in order to phase in a complete ban on smoking in workplaces and public places by 2005; and

That the Minister be requested to consult with alPHA on the planning and implementation of the legislative amendments and the associated public education campaign."

The Board of Health also had before it the following communications and submissions:

- (i) (April 16, 1999) from Ms. Judith Myrvold, Chair, Council for a Tobacco-Free Toronto, forwarding a petition from 510 persons urging the adoption of a 100 percent smoke-free public place by-law for the City of Toronto;
- (ii) (May 26, 1999) from Dr. Martin J. Yaffe, Ph.D., Sunnybrook Health Science Centre, University of Toronto;
- (iii) (May 29, 1999) from Ms. Sandra Pavan, Beacon Hill Tenants Association;
- (iv) (May 29, 1999) from Ms. Karen L. Bass, Recording Secretary of the Kennedy Bingo Sponsors' Association;
- (v) (May 31, 1999) from Mr. Gordon Brown, President, Coping In Tough Times;
- (vi) (May 31, 1999) from Mr. Alf Grigg;
- (vii) (May 31, 1999) from Mr. Thomas W. Laprade, Thunder Bay;

- (viii) (June 18, 1999) from Ms. Judith Myrvold, Chair, Council for a Tobacco-Free Toronto;
- (ix) Petition submitted by the Council for a Tobacco-Free Toronto signed by 200 persons requesting that all public spaces, including restaurants, bowling alleys, bingo halls, billiard halls and bars become 100 percent smoke-free, no later than the year 2001.
- (x) (June 23, 1999) from The Honourable Colin Kenny, The Senate of Canada;
- (xi) (June 25, 1999) from Mr. Paul Garfinkel, President and Chief Executive Officer, Centre for Addiction and Mental Health;
- (xii) (June 25, 1999) from Ms. Pamela L. Chart, Medical Director, Preventive Oncology Program, Toronto Sunnybrook Regional Cancer Centre, submitting a petition from 143 patients, family, members, staff and volunteers affiliated with the Toronto-Sunnybrook Regional Cancer Centre, urging the harmonization of the smoking by-law in the City;
- (xiii) (June 25, 1999) from Mr. Leonard J. Parente, President, Kennedy Bingo;
- (xiv) (June 27, 1999) from Dr. Peter Moore;
- (xv) (June 28, 1999) from Dr. Anthony F. Graham, Chair of External Relations, Heart and Stroke Foundation;
- (xvi) Petition submitted by Ms. Penny Thomson, Executive Director, Canadian Cancer Society - Ontario Division, signed by 33 persons in support of a new harmonized by-law which would make all bars, restaurants, casinos, bowling centres, bingo and billiard halls 100 percent smoke-free by April 30, 2001;
- (xvii) (June 28, 1999) from Mr. Michael Perley, Director, Ontario Campaign for Action on Tobacco;
- (xviii) (June 28, 1999) from Ms. Judith Myrvold, Chair, Council for a Tobacco-Free Toronto, and petition from 105 persons requesting that all public spaces, including restaurants, bowling alleys, bingo halls, billiard parlours and bars become 100 percent smoke-free, no later than the year 2001;
- (xix) (June 28, 1999) from Ms. Linda Vannucci-Santini, Toronto Workers' Health and Safety Legal Clinic;
- (xx) (June 28, 1999) from Mr. Joseph Mansour, President, YAWMA of Canada Enterprises;

- (xxi) Document entitled "Toronto Environmental Tobacco Smoke (ETS) Air Monitoring Project" prepared for the Ontario Restaurant Association and the Greater Toronto Hotel Association, submitted by Mr. Terry Mundell, President, Ontario Restaurant Association;
- (xxii) (June 28, 1999) from Ms. Lynn Cassidy, Executive Director, Provincial Bingo Charitable Activities Association;
- (xxiii) (June 28, 1999) from Mr. Lou Innocente, Operations Manager, Bingo Country;
- (xxiv) (June 28, 1999) from Ms. Debbie Thurston, Manager, Mary John's Restaurant;
- (xxv) (June 8, 1999) from Mr. Sean Bayley, General Manager, Toronto Eaton Centre;
- (xxvi) (February 4, 1999) from Mr. George C. Glover, Jr.;
- (xxvii) (June 2, 1999) from Ms. Debbie Connor;
- (xxviii) (May 20, 1999) from Mr. Thomas Lyons;
- (xxix) (May 26, 1999) from Mr. Jim Whan Youn, Owner, Coffee Time Donuts;
- (xxx) (May 31, 1999) from Mr. Neil Vosburgh;
- (xxxi) (May 31, 1999) from Imago Restaurants;
- (xxxii) (May 31, 1999) from J.W. Meakin;
- (xxxiii) (June 1, 1999) from Ms. Anne Wong;
- (xxxiv) (May 28, 1999) from J.C. Laidlaw, Director of Education, Cancer Care Ontario;
- (xxxv) (June 29, 1999) from Mr. George Mendes, General Manager, Vinnie's Restaurant;
- (xxxvi) (June 28, 1999) from Ms. Hilary Balmer, Executive Director, RAINET; and
- (xxxvii) (June 29, 1999) from Mr. Ira T. Kagan, Kagan, Zucker, Feldbloom, Shastri, Solicitors for Delta Bingo.

Dr. Sheela Basrur, Medical Officer of Health, gave a presentation to the Board of Health with respect to the foregoing matter, and submitted a copy of her presentation.

The following persons appeared before the Board of Health in connection with the foregoing matter:

- Mr. Manny Dreukier, Idler Pub;
- Ms. Sharon Moore, owner/operator, The Retro Cafe;
- Regional Councillor Joyce Frustaglio, Chair of the York Region Health and Social Services Committee, and Ms. Cathy Jaymes, Health Educator, Region of York;
- Dr. Anthony Graham, Chair of External Relations, Heart and Stroke Foundation, and submitted material with respect thereto;
- Mr. Danny Gayle;
- Dr. Jim Woodgett, Princess Margaret Hospital;
- Ms. Jules McCowan;
- Mr. Bill Barley, representing Toronto Chapter of the Canadian Cancer Society;
- Ms. Diane Finkel;
- Ms. Penny Thomson, Executive Director, Canadian Cancer Society - Ontario Division, and submitted a petition with respect thereto;
- Mr. Michael Perley, Director, Ontario Campaign for Action on Tobacco, and submitted material with respect thereto;
- Ms. Judith Myrvold, Chair, Council for a Tobacco-Free Toronto, and submitted material and petitions with respect thereto;
- Ms. Linda Vannucci-Santini, Toronto Workers' Health and Safety Legal Clinic, and submitted material with respect thereto;
- Ms. Hilary Balmer, RN, and Executive Director, RAINET, and submitted material with respect thereto;
- Ms Wendy Whittam;
- Dr. Richard Stanwick, Medical Officer of Health, Capital Region District, British Columbia;

- Mr. Garfield Mahood, Executive Director, Non-Smokers' Rights Association;
- Mr. Andrew Gibson, member of Youth Tobacco Coalition; and
- Ms. Darpan Sondhi, member of Youth Tobacco Coalition.

The Board of Health recessed at 12:30 p.m. for lunch.

The Board of Health reconvened at 1:00 p.m. and resumed hearing deputations from the following:

- Mrs. Eva Brass, on behalf of her daughter, Tiffani;
- Ms. Roslyn Levi, PHN;
- Mr. Michael Lindsey, representing the Boy Scouts and Canadian Cancer Society;
- Dr. Allan Coates, Chief, Paediatric Respiratory Medicine, Hospital for Sick Children, representing the Ontario Lung Association;
- Mr. Douglas Bennett, Council for a Tobacco-Free Ontario;
- Mr. Cliff Jenkins;
- Mr. Steve Mastoras, Proprietor, Whistler's Restaurant, East York;
- Mr. Joseph Mansour, President, YAWMA of Canada Enterprises, and submitted material with respect thereto;
- Mr. Mike O'Connor, General Manager, Joe Badali's Italian Restaurant;
- Mr. Byron Yankou;
- Mr. Peter Chen, President, Ontario Chinese Restaurants' Association;
- Mr. Sean Meehan, Beaches Bar Restaurant;
- Mr. Marvin Greenberg;
- Mr. Terry Mundell, on behalf of the Ontario Hotel/Motel Association, and submitted material with respect thereto;

- Dr. Paul Garfinkel, President, Centre for Addiction and Mental Health, and submitted material with respect thereto;
- Ms. Jill Palmer Abbott, and family;
- Mr. Fran Deck, Fran's Restaurant;
- Mr. David Blodale;
- Mr. Vance Latchford, Latchford Associates;
- Mr. David Crocker;
- Ms. Amanda Long, Ms. Courtney Scanlon, and Ms. Stephanie Brown, students at Leaside High School;
- Mr. Derrick Finn, Finn Projects;
- Dr. Philip Goad;
- Mr. Paul Manna;
- Mr. Ken Rueter, Black Dog Pub;
- Mr. Roger Marrelli, Vice-President - Food and Beverage, Bowlerama Limited;
- Mr. Don Kerr, Kingsway Kiwanis Club;
- Ms. Debra DeMonte, The Longest Yard Restaurant and North York Merchants Association;
- Mr. Dennis Hunter, Etobicoke Swimming Club;
- Mr. Lou Innocente, Operations Manager, Bingo Country, and submitted material with respect thereto;
- Mr. John Garcia, Director, Prevention Unit for Cancer Care Ontario;
- Mr. Gordon E. Cooke, Air Sollutions Inc.;
- Mr. Tom Lexovsky, Superior Restaurant; and
- Ms. Linda Wexeloh, North York Aquatic Club.

The Board of Health recessed at 5:00 p.m.

Tuesday, June 29, 1999

The Board of Health reconvened on Tuesday, June 29, 1999, in the Council Chamber at 1:10 p.m.

Members Present:

1:10 p.m.-3:45 p.m.

Councillor John Filion, Chair	x
Councillor Irene Jones, Vice-Chair	x
Ms. Jan Campbell	x
Mr. Robert Davies	x
Trustee Gerri Gershon	x
Councillor Anne Johnston	x
Councillor Joan King	x
M s. Gail Lindsay	
Mr. Brian MacKay	x
Councillor Joe Mihevc	
Mr. Steven Pinnock	x
Councillor Michael Prue	x
Mr. Lee Zaslofsky	x

Members were present for some or all of the time period indicated.

The Medical Officer of Health provided a brief verbal report to the Board of Health on the proposed Environmental Tobacco Smoke (ETS) By-law and issues raised during deputations.

A. Councillor Jones moved:

- (1) the adoption of the report dated June 21, 1999, from the Medical Officer of Health, entitled "Harmonized Environmental Tobacco Smoke (ETS) By-law for the City of Toronto - Review of Community Council Meetings and Update", subject to striking out the date of "April 30, 2001" in Recommendations Nos. (7) and (14) and inserting in lieu thereof the date of "June 1, 2001";

(Part (1) carried on the following recorded vote:

**FOR: Campbell, Davies, Fillion, Gershon,
Jones, King, MacKay, Pinnock,
Prue, Zaslofsky**

AGAINST: Johnston)

- (2) that the financial implications of the ETS by-law adopted by Council be incorporated into the Year 2000 Public Health Operating Budget submission for consideration by the Policy and Finance Committee during the Year 2000 budget process;
- (3) the adoption of the report dated June 21, 1999, from the Medical Officer of Health, entitled "Ventilation and ETS";
- (4) the adoption of the report dated June 10, 1999, from the City Solicitor; and
- (5) that the Medical Officer of Health and the Solicitor be requested to review any opportunities for regulation of smoking in private clubs, and report back thereon to the Board of Health.

(Parts (2), (3), (4) and (5), carried on the following recorded vote:

**FOR: Campbell, Davies, Fillion, Gershon, Jones,
King, MacKay, Pinnock, Prue, Zaslofsky**

AGAINST: Johnston)

B. Councillor Prue moved that:

- (1) the City work with business people/restaurateurs by:
 - (a) declaring all new facilities opened after the by-law comes into force to be smoke-free, such new facilities to include those facilities which are opening for the first time, have changed ownership either through sale, gift or inheritance or which are reopening after more than 30-day closure period;

(Lost on the following recorded vote:

FOR: Campbell, Davies, Prue, Zaslofsky

**AGAINST: Fillion, Gershon, Johnston, Jones,
King, MacKay, Pinnock)**

- (b) grandfathering existing restaurants, bars, billiard halls, bingo halls and bowling centres to an identical date no later than December 31, 2001; **(Redundant)**
- (2) City Council request the provincial Minister of Health to develop a Province-wide standard similar to that envisaged by the City's ETS by-law; **(Carried unanimously)**
- (3) bingo halls be permitted to have a smoking section provided that:
 - (a) no more than 50 percent of the floor space for gaming be smoking;
 - (b) that all other areas, such as food preparation, card purchasing, lounges, washrooms, and the callers' area, shall be smoke free;
 - (c) at least 50 percent of the gaming area shall be smoke free; and
 - (d) the smoking section shall be separated by wall or glass partition, and shall be separately ventilated; and**(Redundant)**
- (4) provision be made in the by-law that workers are protected from entering smoke enclosed areas. **(Redundant)**

C. Councillor Johnston moved:

- (1) that motion A. by Councillor Jones be amended by striking out the date of "June 1, 2001" and inserting in lieu thereof the date of "January 1, 2000".

(Lost on the following recorded vote:

FOR: Johnston

**AGAINST: Campbell, Davies, Filion, Gershon, Jones,
King, MacKay, Pinnock, Prue, Zaslofsky)**

- (2) the adoption of the recommendations of the Toronto Community Council; **(Redundant)**
- (3) that the Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report directly to Council for its meeting commencing on July 6, 1999, on the economic impacts relating to bingo halls and charities that have occurred as a result of smoke-free legislation in other jurisdictions. **(Carried unanimously)**

D. Councillor King moved that:

- (1) any references to designated smoking rooms be struck out;

(Carried on the following recorded vote:

**FOR: Campbell, Davies, Gershon, King, Pinnock,
Zaslofsky**

AGAINST: Filion, Johnston, Jones, MacKay, Prue)

- (2) the recommendations of the Board of Health be submitted to Council for consideration at its meeting scheduled to be held on July 27, 1999. **(Withdrawn)**

E. Ms. Campbell moved that in the event that Council adopts a position which allows separately ventilated smoking rooms, Council urge the Minister of Labour to ensure that the Labour Act ensures protection related to fear of reprisal for workers that are required to work in DSRs during the harmonization stage. **(Withdrawn)**

The following is the action therefore taken by the Board:

The Board of Health recommended to City Council:

- (I) the adoption of the report dated June 21, 1999, from the Medical Officer of Health, entitled "Harmonized Environmental Tobacco

Smoke (ETS) By-law for the City of Toronto - Review of Community Council Meetings and Update”, subject to:

- (i) striking out the date of “April 30, 2001” in Recommendations Nos. (7) and (14) and inserting in lieu thereof the date of “June 1, 2001”; and
- (ii) striking out all references to designated smoking rooms (DSRs), thereby amending Recommendation No. (3) and striking out Recommendations Nos. (8) and (9); and
- (iii) renumbering the recommendations accordingly,

so that the recommendations embodied in such report shall read as follows:

- “(A) Harmonization Provisions – the following recommendations pertain to the interval between enactment of a harmonized by-law and subsequent changeover to smoke-free:
- (1) that the smoking by-laws of the former municipalities of Metropolitan Toronto be repealed when the harmonized ETS by-law comes into force;
 - (2) that the harmonized ETS by-law come into force three months after its enactment by City Council;
 - (3) that all workplaces in the City of Toronto be smoke-free;
 - (4) that all public places be smoke-free, except for restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks which are permitted to have unenclosed smoking in 25 percent of occupiable public space;
 - (5) that restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks that permit unenclosed smoking be required to post health warning signs at all entrances which clearly indicate that smoking is permitted; and

- (6) that employers/proprietors of workplaces and public places be required to post “no smoking” signs where smoking is prohibited;
- (B) Smoke-Free Provisions – the following recommendation applies to public places that have not already become smoke-free under the harmonization provisions of the by-law:
 - (7) that restaurants, bars, bowling centres, billiard halls, bingo halls, casinos and racetracks become 100 percent smoke-free no later than June 1, 2001;
- (C) Additional Recommendations – the following general recommendations apply to the ETS by-law:
 - (8) that an education campaign be initiated by Toronto Public Health, prior to enactment of the ETS by-law, that:
 - (a) informs proprietors, employers and the general public of their responsibilities under the new by-law;
 - (b) encourages compliance with the new by-law through community-based prevention and cessation activities;
 - (c) markets the benefits and opportunities available under the new by-law; and
 - (d) has an ongoing, multi-year component;
 - (9) that the Medical Officer of Health continue to assist in the advertisement of smoke-free restaurants to the general public in collaboration with the Commissioner of Economic Development, Culture and Tourism, community-based organizations and the private sector, and thereby encourage the creation of additional smoke-free restaurants;
 - (10) that the Medical Officer of Health evaluate the effectiveness of the ETS by-law, including economic and other measures of impact, and report thereon to the Board of Health;

- (11) that institutions such as hospitals and nursing homes continue to be covered by the provisions of the provincial *Tobacco Control Act*;
- (12) that the City of Toronto develop a corporate policy to prohibit smoking in all municipal facilities, whether located in municipal or commercial buildings, except in such cases where this space is reserved for a private function such as a wedding, and that any such exemptions be time limited until June 1, 2001;
- (13) that upcoming reviews of the City's licensing by-law and local zoning by-laws give consideration to the definitions and requirements of the harmonized ETS by-law as they pertain to restaurants and bars in order to achieve standard definitions;
- (14) that City Council urge the provincial Minister of Health and the Premier of Ontario to:
 - (a) review and strengthen the *Tobacco Control Act* to ensure greater protection from Environmental Tobacco Smoke across the Province and to further reduce access to tobacco products by young people;
 - (b) implement immediately the recommendations of the Minister's Expert Panel to Renew the Ontario Tobacco Strategy, including adoption of provincial legislation that assures the attainment of smoke-free workplaces and public places across Ontario; and
 - (c) release previously announced funds for school-based tobacco prevention education and cessation as soon as possible; and
- (15) that City Council urge the federal Minister of Health and the Prime Minister of Canada to implement regulations pursuant to the federal Tobacco Act aimed at: preventing children from starting to smoke; improving health warning messages on tobacco packages; plain packaging of tobacco products;

increasing tobacco taxes; and further restricting tobacco advertising”;

- (II) the adoption of the recommendations embodied in the report dated June 21, 1999, from the Medical Officer of Health, entitled “Ventilation and ETS”;
- (III) that authority be granted to introduce the necessary Bill in Council in the form or substantially in the form of the by-law attached to the report dated June 10, 1999, from the City Solicitor, amended to reflect the recommendations of the Board of Health;
- (IV) that City Council request the provincial Minister of Health to develop a Province-wide standard similar to that envisaged by the City’s ETS by-law; and
- (V) that the financial implications of the ETS by-law adopted by Council be incorporated into the Year 2000 Public Health Operating Budget submission for consideration by the Policy and Finance Committee during the Year 2000 budget process.

The Board of Health also:

- (1) requested the Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism, to submit a report directly to Council for its meeting commencing on July 6, 1999, on the economic impacts relating to bingo halls and charities that have occurred as a result of smoke-free legislation in other jurisdictions; and
- (2) requested the Medical Officer of Health and the Solicitor to review any opportunities for regulation of smoking in private clubs, and report back thereon to the Board of Health.

(Clause No. 1, Report No. 5)

5.2 Appointment of School Board Trustee to the Board of Health.

The Board of Health had before it communication (June 21, 1999) from the City Clerk advising that City Council at its meeting held on June 9, 10 and 11, 1999, adopted Clause No. 1 of Report No. 6 of The Nominating Committee, headed “Appointment of School

Board Trustee to the Board of Health”, and, in so doing, appointed Ms. Gerri Gershon, Trustee - North York Centre South, Toronto District School Board, as the School Board representative on the Board of Health for a term of office expiring on November 30, 2000, and until her successor is appointed.

The Board of Health received the aforementioned communication.

The Board of Health adjourned its meeting at 3:45 p.m.

Chair.