

# Smoking Bylaw Best Practices

- 1. Rationale:** The bylaw contains a clear statement describing the need for a completely smoke free municipal environment. This statement includes fire and safety problems, health concerns, role modeling and environmental tobacco smoke. The statement should make reference to Section 7(a) of Alberta's Municipal Government Act that states "a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property".
- 2. Level playing field:** The bylaw is 100% smoke-free for all businesses and workplaces in the municipality with no exceptions.
- 3. Ventilations "solutions":** The bylaw has no Designated Smoking Rooms (DSRs) as ventilation "solutions".
- 4. Enforcement:** The bylaw places the onus to enforce on the proprietor. This is much easier than enforcement officers attempting to charge individual patrons, who may not even provide correct personal identification. Proprietors are expected to enforce other bylaws relating to health and hygiene, such as the requirements for shirts and shoes.
- 5. The "minors only trap":** The bylaw avoids the "minors only" trap that perpetuates misconceptions about the harmful effects of secondhand smoke and who is at risk. Incorporating age restrictions into a bylaw ignores the important issue of workplace health and safety for employees.
- 6. Hardship exemptions:** The bylaw avoids hardship exemptions so a level playing field is maintained for all businesses.
- 7. "Phasing in":** The bylaw avoids "phasing in" such establishments as bars, bingo halls and other gaming establishments. Phasing in creates an unlevel playing field, favouring certain types of businesses over others, and can create hard feeling towards city or town councils.

## Resources

Ontario Coalition Against Tobacco (OCAT) – Model Bylaw  
[http://www.ocat.org/pdf/publicplaces\\_modelbylaw.pdf](http://www.ocat.org/pdf/publicplaces_modelbylaw.pdf)

Non-Smoker's Rights Association (NSRA) – Best Practices  
[http://www.nusra-adnf.ca/news\\_info.php?news\\_id=207](http://www.nusra-adnf.ca/news_info.php?news_id=207)

U.S. Centers for Disease Control (CDC) – Model Ordinance  
[http://www.cdc.gov/tobacco/ETS\\_Toolkit/tools.htm](http://www.cdc.gov/tobacco/ETS_Toolkit/tools.htm)

Note: This assessment checklist is based on best practices recommendations from the Centers for Disease Control (CDC), the Non-Smokers' Rights Association Canada (NSRA), the Ontario Coalition Against Tobacco (OCAT) and sample 'gold' standard bylaws from Alberta.

# Checklist for a 100% Smoke-Free Bylaw

## Fundamental Elements of a 100% Smoke-Free Bylaw

- Smoking prohibited in all enclosed public places. These places include but are not limited to:
  - Arenas and recreation centres, including enclosed areas of outdoor sport facilities
  - Bars, lounges, pubs and taverns
  - Bingo halls and other licensed gaming events
  - Child care and adult care facilities
  - Churches and other facilities where the public gather for the purpose of worship
  - Educational facilities
  - Elevators, escalators and stairways
  - Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance
  - Galleries, libraries, and museums.
  - Hallways, passageways and pedways (includes Plus 15 systems)
  - Healthcare facilities, including clinics, hospitals and long-term care facilities.
  - Places of public assembly not covered under other categories
  - Public transit vehicles and public transit shelters/stations
  - Public washrooms
  - Lobbies, reception areas and other common-use areas
  - Service counters and service lines
  - Restaurants, including lunch counters, cafeterias, coffee houses and fast-food outlets
  - Retail stores
  - School buses and other vehicles used to transport children
  - Shopping malls and shopping centres
  - Taxis and limousines
- Smoking prohibited in all workplaces, including home offices that employ non-residents.
- Smoking prohibited within 3 meters or more of a building entranceway or ventilation system air intake.
- Smoking prohibited in all municipally owned, leased or occupied buildings and facilities
- Smoking prohibited in all municipal vehicles and equipment.
- Smoking prohibited in private clubs to ensure a level playing field for all establishments.

## Related Issues

- Smoking prohibited or restricted in all patios licensed for service or consumption of food or beverages.
- Smoking prohibited on elementary, junior and senior school grounds.
- Smoking prohibited in all sporting arenas and facilities, including outdoor bleachers and stands.