



MEMORANDUM

TO: Members of Committee of the Whole

FROM: Dr. Karim Kurji, Medical Officer of Health

DATE: November 7, 2013

RE: **Amending the *Smoke-Free Ontario Act* to prohibit smoking on patios**

This memo provides an update on public health advocacy to have the *Smoke-Free Ontario Act* amended to prohibit smoking on all outdoor patios.

The *Smoke-Free Ontario Act* does not protect children, adults or patio servers from the health risks posed by outdoor tobacco smoke on patios

Presently, the provincial *Smoke-Free Ontario Act* prohibits smoking in enclosed workplaces, enclosed public spaces, and in motor vehicles when children under 16 are present. It also addresses outdoor bar and restaurant patios, but only prohibits smoking on a patio if any portion of it is covered or partially covered by a roof.

Exposure to outdoor tobacco smoke is proven to have the same adverse health risks as indoor second hand smoke. Adults and children who are next to smokers on outdoor patios may be exposed to high levels of tobacco smoke. Health risks associated with tobacco smoke include asthma, respiratory infection, and lung cancer.

There is strong community support for smoke-free patios

A 2009 Rapid Risk Factor Surveillance System telephone survey revealed that 75.4 per cent of York Region residents supported smoke-free patios. The Public Health Branch is working on including another question about smoke-free patios in an upcoming Rapid Risk Factor Surveillance System survey.

Smoke-free patio legislation at the provincial level would be more efficient and consistent than addressing the issue on a municipality-by-municipality basis

A few municipalities across the province, including Kingston and the City of Ottawa, have created bylaws expanding patio restrictions beyond those in the *Smoke-Free Ontario Act*. However, when individual municipalities pass these bylaws, progress takes a great deal of time. This long-term transition is often viewed unfavourably by bar and restaurant owners, due to the perception that an uneven playing field exists amongst businesses until all patios are made smoke-free by provincial law.

Therefore, York Region Public Health is working to strengthen support for the provincial *Smoke-Free Ontario Act* to prohibit smoking on all outdoor patios. Staff are collaborating with a number of other health units, including Peel Region Public Health and the Durham Region Health Department, as well as with the Association of Supervisors of Public Health Inspectors of Ontario. Advocacy efforts, channeled through the Council of Medical Officers of Health of Ontario, will help ensure that all Ontarians are protected from tobacco smoke on the patios of their local establishments. These efforts through public health professional bodies can be further augmented by the Regional Chairman writing to the Minister of Health and Long-Term Care on behalf of Council to amend the *Smoke-Free Ontario Act* to include all patios.

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Medical Officer of Health

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