

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 2, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Harry McInroy
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Sue Uteck

STAFF:

Mr. Dan English, Deputy Chief Administrative Officer
Mr. Barry Allen, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 1:00 p.m.

2. **CONTINUATION OF PUBLIC HEARING RE: BY-LAW S-203,
RESPECTING SMOKE FREE PLACES**

The following was submitted in favour of the proposed By-Law:

- Publications: "GPI Atlantic - The Economic Impact of Smoke-Free Workplaces: As Assessment for Nova Scotia", "Cancer Care Nova Scotia - The Cost of Tobacco in Nova Scotia"
- Correspondence received from: Lara MacKenzie, Paula Veinot, Kristy O'Connell, Department of Medicine, Division of Cardiology, QEII, (24), Blair J. O'Neill, M.D., E.P. Jones, Oliver Moore, Sheldon Miller, Robert Donovan, Peggy Weaver, Joel and Kathy Powell, David Zitner, Jennifer Whyte, Kim Mundle, Roy Fox, Mike Flemming

The following was submitted in opposition to the proposed By-Law:

- Correspondence received from Tom's Little Havana Café containing two petitions, several publications and personal correspondence.
- Correspondence received from: Chris Waldron, Damian Byrne

Mayor Kelly advised this was a continuation of the public hearing regarding By-Law S-203, Respecting Smoke Free Places and called for those wishing to speak either in favour of or in opposition to the proposed By-law.

Mr. Gordon Stewart

Mr. Gordon Stewart, Tower Road, Halifax, stated the smoking ban is not a public ban but aimed at the hospitality sector. As a result of the ban, smoking will be moved to more public venues such as sidewalks and, as a result, more people will be exposed to smoke. It is not aimed at where the majority of smoking occurs but at private business establishments. This proposed ban will make second hand smoke more public. There is only one level playing field and that will be when tobacco products are banned completely. This is not a smoking versus non smoking issue but rather people protecting their businesses and places of employment. The restaurant sector has never taken money from private tobacco companies.

Mr. Kevin Keefe

Mr. Kevin Keefe, Halifax, spoke against the By-law. Mr. Keefe questioned the definition of ashtray as it is noted in the By-law, stating that the definition was broad and open to interpretation.

Mr. Bob Covey

Mr. Bob Covey, Dartmouth, noted that in different areas throughout Canada judges are reversing their judgement on smoking by-laws. He advised the Fredericton By-law was reversed based on the decision of the judge that all businesses have to be treated equally. He questioned why all businesses in HRM are not treated equally, why are the laws being pushed against bars and restaurants in particular. With recent provincial legislation, Nova Scotia has the toughest smoking by-law in Canada. The cost to enforce the By-law will be placed on the taxpayers of HRM. He stated his business has taken a dramatic downturn as a result of his business being smoke free up to nine o'clock and, as a result, has caused concern for his staff as they fear they may lose their jobs.

Ms. Angie Prest

Ms. Angie Prest, Halifax, spoke in favour of the By-law stating the health of children is affected by smoking.

Ms. Jane Farquharson

Ms. Jane Farquharson, Executive Director, Nova Scotia Heart and Stroke Foundation, stated tobacco use and exposure to second hand smoke is recognized as a major risk factor for heart disease and stroke. She noted a number of studies that have attributed heart disease and strokes to exposure to second hand smoke. She stated that a strong By-law will help prevent these diseases. There is no safe level of exposure to second hand smoke. She stated there is a need for 100% smoke free public spaces and work places to protect health especially the health of those who work in establishments where second hand smoke is created. Provincial legislation does not sufficiently protect workers in bars and casinos who wait on customers in closed smoking rooms. It has been demonstrated that ventilation does not clear all the toxins included in second hand smoke. She recommended Council implement the By-law in order to take a stand and protect citizens of HRM and provide a level playing field for local businesses.

Ms. Maureen Summers

Ms. Maureen Summers, Executive Director, Canadian Cancer Society, stated it is known

that tobacco causes cancer. It is known that second hand smoke causes cancer. Exposure to second hand smoke is a real and present threat. It has been determined conclusively that second hand smoke causes cancer and is as dangerous as inhaled smoke. Second hand smoke should be considered even more dangerous than inhaled smoke. Tobacco, although legal, is lethal and will continue to take lives. Second hand smoke endangers the lives of workers who are exposed to it in their workplaces every day.

Nova Scotia is seen to have the strongest provincial legislation in the country but the municipal by-law will surpass what the current legislation provides.

Ms. Sandra Murdock

Ms. Sandra Murdock, Halifax, stated she is against the 100% ban. She stated she is concerned with the economic consequences and stated the ban will have an immediate and detrimental effect. She noted there is no plan for enforcement of the ban once legislation is enacted by the Municipality. She stated there is no plan for compensation for establishments that have undertaken the labour and expense of building smoking rooms in accordance with the existing restrictions. She stated that under the existing restrictions, no children would be exposed to smoke in any establishment. She urged Council not to take away from any downtown businesses. She stated the economic reality is that businesses will suffer.

Dr. Fred Archibald

Dr. Fred Archibald, Halifax, stated he has seen much suffering as a result of cigarette smoking and exposure to cigarette smoke. He stated it is important for all levels of government to do whatever they can to relieve people of the burden on health care and discourage people from smoking. He urged Council to pass the By-law.

Ms. Kelly Thompson

Ms. Kelly Thompson, Halifax, stated she is in favour of the By-law as she is concerned with the effects of second hand smoke. She stated that from her experience of the food service business the fact that people could not smoke did not adversely affect the business. She stated a reasonable goal is to develop a level playing field. She expressed concern that workers are exposed to second hand smoke and if a worker has less seniority he or she may be expected to work in the smoking room which may put their health at risk.

Councillor Sloane requested clarification be provided on what is considered a bar and what is considered a restaurant.

Ms. Kathy McLean

Ms. Kathy McLean, Harvey Street, Halifax, stated many people have spoken on the implementation of a total ban, noting smoking rates in Canada have been decreasing because the facts about cancer are becoming known. She stated smoking has an effect on children and may cause low birth weight babies and crib death. She stated the serious health effects of second hand smoke is becoming known. She stated there is more added risk to the health of her patients and their families by cigarette smoking than any other health issue at the moment. She stated smoking has long been known as the number one cause of preventable disease.

RECESS

Council recessed for 15 minutes at 2:30 p.m.

Council reconvened at 2:45 p.m.

Mr. Danny Hewitt

Mr. Danny Hewitt, President, Restaurant Association of Nova Scotia, stated if the By-law is implemented many businesses will close. He stated that many businesses now are operating 80 hours per week in order to break even or make a profit. He stated they care and are concerned about their businesses. He stated their operators do not support smoking, noting they are mostly non smokers with families. He stated they are asking for the ability and right to serve their customers as they see fit. He stated they are asking for a choice and requested Council accept the new provincial law and give it a chance to work and let their operators get back to running their business of their establishments without further interference.

Councillor Blumenthal requested information be provided on how many restaurants and bars have gone smoke free because of the cost involved since the provincial legislation came into effect.

Dr. Jacobo Asuncion

Dr. Jacobo Asuncion, 46 Inverness Avenue, spoke in support of the By-law. He advised his exposure to secondary smoke has caused him to develop sensitivities, he has seen the effect of smoking on others, there is evidence that smoking is lethal, business and entertainment industry will not suffer and, the enactment of the By-law will provide a better quality of life for employees.

Councillor Hines requested the staff report provide a breakdown of the chemicals in cigarettes and what impact each of these would have.

Mr. Damian Byrne

Mr. Damian Byrne, Bedford, stated this ban will force patrons out onto the sidewalk and they, in turn, will be blowing smoke into the faces of people passing by. He said that if the By-law is adopted enforcement will be costly, noting the Provincial ban is bad for business and jobs and a further ban will kill their night business and push the majority of their patrons to the public space out of doors. The Provincial law should have a chance to work. He suggested Council not make a decision until they have evaluated the costs of enforcement, implementation and the clean up as well as the cost of any legal challenge that may come. If this By-law is adopted, enforcement would fall to the Municipality. Until tobacco is banned totally there will be no 100% ban.

Mr. Joe McGuinness

Mr. Joe McGuinness, Clayton Park, Halifax, stated there is no disputing the fact that smoking kills and causes cancer and second hand smoke is bad for your health. He stated they work with their employees in meeting the needs of customers and a large portion of their clients choose to smoke. He stated they had always addressed the needs of their employees and have worked with those who have expressed concern about their health and have accommodated those who choose not to work in smoking sections. He stated they take steps to indicate to perspective employees that they meet the needs of customers and, as a result of a smoking environment, they may be subject to this environment in the course of their employment. He stated the hospitality professionals are requesting Council create a level playing field by either banning the sale of tobacco or accepting the provincial legislation.

Mr. Tony Milheron

Mr. Tony Milheron, Dartmouth, stated he works in the service industry in a smoking environment and does it by choice. He stated he is aware of the dangers of his working environment noting, by passing this legislation Council is taking the choice away from the owners and people who frequent these establishments.

Ms. Maureen Reynolds

Ms. Maureen Reynolds, Inverness Avenue, Halifax, Nova Scotia Allergy and Environmental Health Association, stated she was speaking in favour of the ban. She stated that anything other than a full ban means that some employees will be working in unsafe conditions. Anything less than a full ban sends the message that smoking is not that bad. Municipalities have the right and the responsibility to protect the health of their citizens. There is no question that second hand smoke is a serious health hazard. There

is no question that in the past Halifax has had the courage to limit smoking in public places. She stated they are asking Council to continue to show leadership by banning smoking completely in all bars, restaurants and public places. If all establishments need to meet the same requirements there will be a level playing field for business and a healthier environment for employees and customers.

Ms. Susan Sutherland

Ms. Susan Sutherland, spoke in support of the 100% ban expressing concern that her children work in a smoking environment and young people who want a job may not feel they have a choice on whether or not they work in such an environment. She said if the ban was put into effect it would provide for a healthier community and many people may choose to go out more if they are not subjected to second hand smoke.

Ms. Lindsay Ward

Ms. Lindsay Ward, Clayton Park, spoke in support of the By-law.

Ms. Lara Sheehan

Ms. Lara Sheehan, Newcastle Street, Dartmouth, spoke in favour of the By-law stating the only way to prevent health problems is to put in place a 100% ban. The only scientific way to handle the toxins that come from second hand smoke is to have a complete ban of smoking in all indoor public places. She requested Council review all the evidence put forward as it is important that an educated and evidence based decision is made that recognizes the value and significance of the proposed 100% ban.

Ms. Andrea Cochrane

Ms. Andrea Cochrane, Millwood Avenue, Sackville, spoke in support of the By-law stating the needs of all persons has to be taken into consideration. By providing a level playing field the potential exists for the bar owners to generate even more business.

Mr. Terris Panagiotakos

Mr. Terris Panagiotakos, 201 Main Avenue, Halifax, spoke in support of the implementation of the By-law.

Ms. Sharon McIntosh

Ms. Sharon McIntosh, 16 Brockwell Street, Bedford, stated that if smoke free policies are

not applied consistently they would not have the same effect in that it would be sending a double message which says it is harmful for children and young adults to smoke but not for adults. She stated teenagers say that non smoking messages from people their own age would have no effect, they need to hear it from the people going to the bars.

Mr. Ernie Harrison

Mr. Ernie Harrison, Lower Sackville, stated the By-law is not about whether or not people are going to smoke as that is a matter of personal choice. This By-law will impact small business and it will impact the donations coming out of the Legions and service clubs. Blanket bans do not work. The Provincial Smoke Free Places Act is doing the job and further action is not necessary.

Councillor Walker asked information be provided on how many Legions in Province have gone smoke free.

3. ADJOURNMENT

Council agreed to recess to Tuesday, April 8, 2003 at 10:00 a.m.

Jan Gibson
Deputy Municipal Clerk