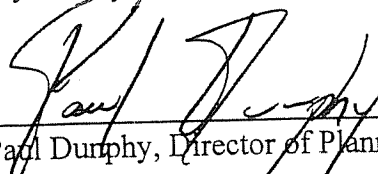
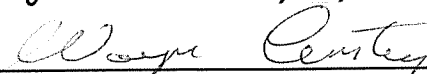


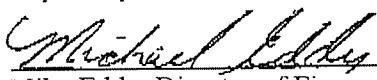
**Regional Council**  
**April 15, 2003**

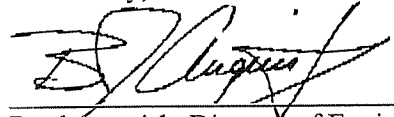
**TO:** Mayor Kelly and Members of Halifax Regional Council

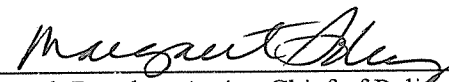
**SUBMITTED BY:**

  
Paul Durphy, Director of Planning & Development Services

  
Wayne Anstey, Director of Administrative Services

  
Mike Eddy, Director of Fire and Emergency Services

  
Brad Anguish, Director of Environmental Services

FOR   
Frank Beazley, Acting Chief of Police

**DATE:** April 11, 2003

**SUBJECT:** **Smoke Free Places Bylaw (Bylaw S-203)**

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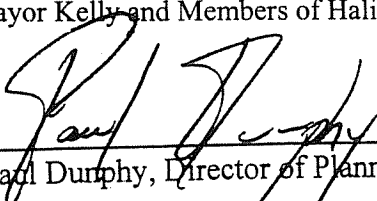
**ORIGIN**

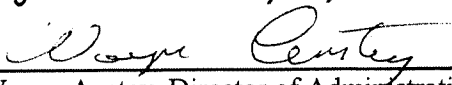
- At its August 27, 2002 session, Regional Council passed a motion to repeal the Smoking in Public Places Bylaw. A public hearing to consider this matter was scheduled for November 19, 2002.
- On November 19, 2002 council deferred the public hearing.
- On November 26, 2002 Council defeated First Reading of the Bylaw to make HRM 100% smoke free inside public places.
- On February 4, 2003 Council approved First Reading of a Bylaw to make HRM 100% smoke free inside public places.
- Public Hearings were held on April 1, 2 and 8th 2003. Council requested a staff report to answer various questions raised at the public hearing.

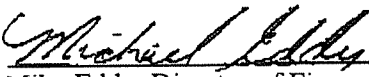
Regional Council  
April 15, 2003

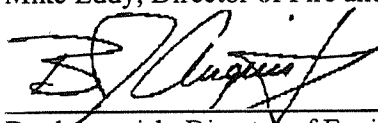
**TO:** Mayor Kelly and Members of Halifax Regional Council

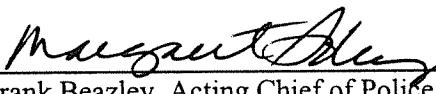
**SUBMITTED BY:**

  
Paul Murphy, Director of Planning & Development Services

  
Wayne Anstey, Director of Administrative Services

  
Mike Eddy, Director of Fire and Emergency Services

  
Brad Anguish, Director of Environmental Services

FOR   
Frank Beazley, Acting Chief of Police

**DATE:** April 11, 2003

**SUBJECT:** Smoke Free Places Bylaw (Bylaw S-203)

**ORIGIN**

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## SUMMARY

### Authority

The Nova Scotia Smoke Free Places Act sets a minimum standard for smoking regulation in the Province. Both this Act and the Municipal Government Act permit municipalities to exceed the Province's minimum standards. HRM therefore has the option to either:

- leave regulation of smoking entirely to the Province; or
- adopt a Municipal bylaw which exceeds the Provincial minimum standard by further extending the ban on smoking in public places.

### Enforcement

If the Municipality adopts a more restrictive smoking bylaw the Province has stated:

- their staff will enforce the Provincial smoking regulations; and
- HRM staff will only have to enforce the Municipality's additional regulations.

This minimizes the amount of enforcement work for the Municipality and the number of staff required. On this basis Municipal enforcement would primarily be complaint driven with response provided by existing Police, Fire Services and Community Projects staff with no additional budget funding. In addition a public education program would be carried out. HRM has received a \$14,000 grant from Health Canada to assist in a public education program. This money is available regardless of whether HRM passes this bylaw.

### Municipal Liability

A number of businesses have installed ventilated smoking rooms to comply with the Provincial regulations. If HRM adopts a 100% smoking ban these facilities will be redundant. While these businesses may initiate lawsuits to seek compensation for this investment, HRM does not have a legal responsibility to provide compensation. HRM's legal responsibility is to ensure that any bylaw which it adopts complies with its jurisdictional authority. By granting municipalities the authority to adopt more stringent bylaws, the Provincial legislation clearly envisioned the possibility that these bylaws might negatively affect businesses.

### Options

The majority of public hearing presentations and submissions were polarized, either in favour of a 100% Municipal smoking ban or completely opposed to any Municipal bylaw. There are a number of options in between. These range from minor amendments such as a delayed implementation date for the proposed bylaw, exempting outdoor patios/sidewalk cafes, permitting smoking after 9:00 p.m. only in enclosed ventilated rooms, or exempting "cigar bars". These options are presented in the Discussion section of this report.

## Miscellaneous Questions

The majority of questions raised at the public hearing are answered in Attachment 1.

## DISCUSSION

### Comparison of Smoke Free Places Act and Proposed Bylaw

The Smoke Free Places Act:

- generally bans smoking in *enclosed public places*;
- allows limited permission to smoke in some public places if the area is *enclosed and separately vented* from the non-smoking area; and
- includes limited *smoking restrictions outdoors* (restaurant patios and school grounds).

The Proposed HRM Smoking Bylaw:

- *extends the Province's smoking ban to all enclosed public places with a few exceptions (e.g. nursing homes, homes for the aged, disabled and veterans, detox centres, residential care facilities and hospitals); and*
- *does not allow enclosed and separately vented smoking areas.*

A more detailed comparison is contained in Attachment 3.

## Options

The following is a partial list of options for Council's consideration. The pros and cons of each option are not presented since there has been insufficient time to prepare this information. The various options are too numerous to list, so only the main variations are listed below.

1. Council may approve the proposed bylaw. The bylaw will then come into effect once the adoption has been advertised in the paper (approximately 5 days after Council's approval).
2. Council may approve the proposed bylaw. In addition, Council may wish to specify a later effective date (e.g. six months or several years) to provide an opportunity for public education and for affected proprietors to prepare. In essence this option states that a complete ban will automatically be implemented on a specific date without the need for another public hearing. During the interim, the Provincial regulations would be in force. This approach has been used in many municipalities. It should be noted that there would be nothing to legally prevent a future council from amending the bylaw to reduce the phase-in period, eliminate it or repealing the bylaw.
3. Council may decide not to adopt the proposed bylaw. In this case the Provincial regulations will remain in effect.

4. Council may wish to prohibit smoking in restaurants, bars, clubs and the casino before 9:00 p.m. and permit it after 9:00 p.m. This could be selected as a permanent solution or the first step toward phasing in a complete ban in the future (to be specified in the bylaw). This approach has been used in many municipalities. As noted above there would be nothing to legally prevent a future council from amending the bylaw to reduce the phase-in period, eliminate it or repealing the bylaw.
5. Council may wish to only allow smoking in restaurants, bars, clubs and the casino at all times of the day and night within an enclosed and ventilated smoking room. This could be selected as a permanent solution or the first step toward phasing in a complete ban in the future (to be specified in the bylaw). As noted above there would be nothing to legally prevent a future council from amending the bylaw to reduce the phase-in period, eliminate it or repealing the bylaw.
6. Council may wish to provide a limited exemption for establishments whose primary purpose is catering to smoking (e.g. "cigar and pipe bars"). Such exemptions have been provided in other municipalities, however additional work would have to be done to draft these provisions to ensure the exemption was not abused. These provisions may specify that the lounge has to be in association with retail or wholesale sale of tobacco products. A maximum floor area may be specified or a floor area ratio between lounge and retail.
7. The proposed definition of "restaurant" in the bylaw "includes a sidewalk café, a sidewalk or other patio associated with a restaurant and an Eating Establishment licensed under the Liquor Control Act." In addition, the proposed definition of "drinking establishment" includes "a sidewalk or other patio associated therewith." Council may wish to exempt these outdoor locations from the proposed bylaw. Minor rewording of the definitions would accomplish this and such wording could be provided to Council without the need for a report. Such exemptions have been provided in other municipalities. For clarification, the Provincial regulations will still apply to these outdoor locations. These require that a minimum of 50% of the outdoor area be non smoking.

## **Enforcement**

The Province has confirmed that their inspectors will continue to be responsible for enforcing their regulations. HRM will therefore only be responsible for enforcing the more restrictive provisions. In the case of the proposed bylaw that means no smoking in the casino, bars after 9:00 and clubs. In addition HRM would have to enforce no smoking in any ventilated rooms which have been constructed.

The majority of people voluntarily comply with bylaws. This has been the case with HRM's existing smoking bylaw. A public education program is therefore critical to increase public awareness and minimize the number of infractions. As mentioned above, HRM has received \$14,000 grant from Health Canada to fund a public awareness/enforcement program. Receipt of this grant is not dependant upon Council's adoption of this smoking bylaw. In addition, public health agencies and the business sector could assist in the awareness program.

Existing staff from Fire Services, Community Projects and Police Services will jointly enforce the bylaw to ensure the ability to respond during regular hours, evenings, weekends and holidays. In general, Fire Services would be the primary lead during evening hours and would carry out a proactive awareness/enforcement program in conjunction with their regular occupancy inspections of clubs, restaurants and bars. Fire Services would also respond to specific complaints during these hours. Police Services would supplement Fire during evenings, weekends and holidays when necessary in response to complaints. During regular working hours, Community Projects would carry out awareness/enforcement. No staff would be dedicated full time to the smoking bylaw and under this approach there would also not be any additional staffing costs.

### **IMPACT ON BUDGET**

None. Any required public education and enforcement will be conducted within approved budgets.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ATTACHMENTS**

ATTACHMENT 1: Public Hearing Questions

ATTACHMENT 2: Comparison of Selected municipal "smoking legislation"

ATTACHMENT 3: Comparison of Proposed HRM Bylaw and Provincial Smoke Free Places Act

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Prepared by: Barbara Nehiley, Special Projects Advisor Planning & Development Services

**ATTACHMENT 1: QUESTIONS**

<b>Questions and Answers</b>	
Questions have italicized type and answers are in non italicized type	
<i>Q</i>	<i>Has Fredericton's bylaw been overturned by the courts and does that decision have relevance to HRM's proposed bylaw?</i>
A.	Fredericton's bylaw was overturned on the basis that it differentiated between different types of closely related establishments and between eating establishments based on seating capacity. There was no legislative authority for such discrimination. A new bylaw has been drafted to remove these discriminatory provisions.  HRM's proposed bylaw treats all similar classes of enclosed public spaces equally and therefore the Fredericton decision does not have any application.
<i>Q</i>	<i>Do New York, Los Angeles and Toronto have 100% smoking bans?</i>
A.	Each of these cities has, or is phasing-in, an extensive smoking ban. None of them has a 100% ban. Each city's bylaws include various exemptions. The range of exemptions includes smoking lounges/retailers, owner operated bars with no employees, outdoor patios, private clubs, special care homes and large warehouses.  ATTACHMENT 2 provides more detail on each of the exemptions in each of these cities.
<i>Q</i>	<i>What liability does HRM have regarding the cost incurred by proprietors who have invested in the construction of ventilated smoking rooms?</i>
A.	No legal liability rests with a municipality or its council for a decision made by the Council to enact or not to enact a bylaw pursuant to the powers vested in the council. The decision as to whether legislative authority is exercised or not is within the complete discretion of the council and the bylaw may only be quashed if it is outside Council's legislative authority. If the bylaw is jurisdictionally valid, no claim lies against the municipality to compensate someone who may have spent money to comply with an earlier enactment, whether of the Municipality or the province.  In the instant case, it was clearly envisioned by the provincial legislature that at some point, more restrictive municipal bylaws might be adopted which would effectively negate any exemption provided for in the <i>Smoke Free Places Act</i> .

### Questions and Answers

Questions have italicized type and answers are in non italicized type

*Q Several presenters referred to a United States Environmental Protection Agency report on the effects of second hand smoke. One presenter indicated this report was "vacated" by the US courts and was therefore not relevant. Is this correct?*

A. The document in question was the *Environmental Protection Agency's* report entitled *Respiratory Health Effects Of Passive Smoking: Lung Cancer and Other Disorders*. This report stated that second hand smoke was annually responsible for approximately 3,000 non-smoker lung cancer deaths in the USA and categorized secondhand smoke as a Group A (known human) carcinogen.

In an application to the US District Court, several chapters of the document were vacated on procedural grounds. A subsequent appeal to the 4th US Circuit Court of Appeal overturned this decision. In effect the Court of Appeal upheld the EPA Report. The Court ruled that the EPA report was not subject to court review because it was a research publication and not an agency action.

*Q Does HRM have the authority to regulate smoking in the casino?*

A. Although the casino building is owned by a Crown Corporation (and therefore the Crown), the general rule that a municipality does not have the ability to regulate against the Crown extends only to the use of the property and not to the personal activities of persons on the property even if the persons are servants of the Crown.

In addition the Gaming Control Act provides that the Nova Scotia Gaming Corporation (which owns the Casino) is subject to and bound by all laws in the Province unless specifically exempted in that Act. Nothing in the Act specifically excludes the casino from the application of health regulations. In addition that same Act provides that the operator of the casino shall "comply with all building code, safety, construction, fire, environmental, health and other standards under any enactment" with the exception that it is not subject to the Planning Act and is not required to obtain building permits.

It is understood that the Province may have a contract with the casino operator requiring the Province to compensate the casino operator in respect of changes in regulations. The Province, of course, has the ability to enact new legislation to restrict HRM's regulatory ability in this area if it so chooses. Until such action is taken however this is an issue between the Province and casino operator and should not restrict Council's decision making.



### Questions and Answers

Questions have italicized type and answers are in non italicized type

*Q Does the Provincial Smoke Free Places Act establish "workers rights" such as the right to refuse to work in a designated smoking room without recrimination from their employer or alternatively is this assumed to be the case under Occupational and Safety Legislation which allows an employee to refuse work in an unsafe work environment?*

A. Yes, this was clearly the intent of the legislation, although there may be some technical issues as to whether they have covered it off completely due to the wording of the legislation.

*Q Can the bylaw do something about the littering of streets outside bars and restaurants with cigarette butts by requiring that a receptacle be placed outside public entrances?*

A. Section 10 of the Streets Bylaw already places a duty on abutters to keep the sidewalks in front of their premises free of garbage, waste or debris. The Municipality can order the abutter to clear the debris, and on failure to do so, it may be cleaned by the Municipality at the abutter's expense.

There is no enabling legislation which authorizing the Municipality to require bar or restaurant owners to provide receptacles outside their premises for smokers.

*Q If more people are standing outside bars smoking will Police have to respond to more incidents?*

A Should more people be on the street, intoxicated or not, there may be a need to increase law enforcement efforts. The Police Service will respond and increase enforcement efforts based on complaints and where regular surveillance determines an increased enforcement effort is required. The Police Service will respond to calls for assistance from proprietors and surrounding residents and also support the Fire Services while enforcing the Smoke Free By-law.

*Q How many restaurants and bars are smoke free in HRM?*

A. The Restaurant Association of Nova Scotia has presented information indicating that of 550 restaurants in HRM 460 of these are smoke free while 90 have smoking after 9:00 PM or in a smoking room.

*Q How many restaurants and bars have decided to build separate smoke rooms?*

A. Staff is awaiting this information from the Province.

**Questions and Answers**

Questions have italicized type and answers are in non italicized type

*Q Clarifications were sought on the definition of restaurant and bar?*

A. Since Council asked for a 100% smoking ban in enclosed public spaces, the proposed bylaw prohibits smoking equally in both restaurants and bars. The bylaw therefore does not differentiate between the two.

If Council decides that restaurants and bars should have different rules, staff would want to make sure that there was a clear distinction between the two. The definitions used in the proposed bylaw are similar to those used in HRM's existing bylaw.

*Q What types of liquor licenses are available and are there differences in liquor licencing for drinking establishments and restaurants?*

A. The licenses which are available are:

- (1) Eating Establishment Licenses - liquor may only be serviced to a patron in conjunction with meals. Annual sales of liquor may not exceed value of food sales;
  - (a) Restricted - Beer and Wine Only
  - (b) Unrestricted - All Spirits, Beer and WineHours - 10:00 am - 2:00 am.
- (2) Beverage Room Licenses - Sale of Beer and Wine;  
Hours 10:00 am - 1:00 am (Sundays 12:00 Noon - 1:00 am)
- (3) Restricted Beverage Room Licenses - Sale of Beer and Wine;  
Hours (Monday - Thursday 10:00 am - 11:00 pm ) (Friday and Saturday 10:00 am - 12:30 am)
- (4) Lounge License - Sale of Spirits, Beer and Wine;  
Hours 10:00 am - 2:00 am (Sundays 12:00 Noon - 2:00 am)
- (5) Cabaret License - Sale of Spirits, Beer and Wine associated with high quality entertainment at least 4 days a week;  
Hours - 11:00 am - 3:30 am (Sundays 4:00 pm - 3:30 am)
- (6) Club License - Sale of Spirits , Wine and beer to members and guests;  
Hours: 10:00 am - 1:00 am
- (7) Military Establishment License;
- (8) Special Premises Licenses;
- (9) Beer Garden License;
- (10) Special Occasion License;
- (11) Catering License.

<b>Questions and Answers</b>	
Questions have italicized type and answers are in non italicized type	
<i>Q</i> Have any Royal Canadian Legions gone smoke free in Canada, NS or HRM ?	A. There are 123 Legion branches in Nova Scotia with 23 branches in HRM. Wherever municipalities have superceded provincial regulations Legions in those jurisdictions conform to the municipal bylaws.
<i>Q</i> Does HRM have the authority to regulate smoking on first nations reserves?	A. No, municipal bylaws do not apply to reserve lands.
<i>Q</i> Can all of the bylaw or parts of it be phased in?	A. Yes, with appropriate amendments.
<i>Q</i> If a complete ban is defeated, can Council (without another public hearing) restrict smoking in the casino until 9:00 PM so that they are on a level playing field with other bars/restaurants?	A. This should be possible provided the regulations are of general application. If for example Council prohibited smoking in bars and casinos etc. up to 9:00 PM, then the bylaw should be legally acceptable.
<i>Q</i> What chemicals are in cigarettes and where do they come from ?	A A burning cigarette emits solid particles, gases and liquids. Only the solid particles -- about 5-8 percent of the cigarette's output are visible. In all, there are more than 4,000 different chemical compounds, including toxic heavy metals and pesticides. A partial list of ingredients in tobacco smoke includes nicotine, carbon monoxide, vinyl chloride, hydrogen cyanide, radionuclides, benzene and arsenic. More than 50 of these substances are known carcinogens (cause cancer). Others are known or suspected mutagens, capable of causing permanent, often harmful changes in the genetic material of living cells.  About half the compounds are found naturally in the green tobacco leaf and half are created by chemical reaction when tobacco is burned. Some are introduced during the curing process while others are added by manufacturers to impart a distinctive flavour or quality to their product.  <b>Source:</b> Province of Nova Scotia Department of Health Tobacco Control Unit website <a href="http://www.gov.ns.ca/health/tcu/whats_in_a_puff.htm">http://www.gov.ns.ca/health/tcu/whats_in_a_puff.htm</a>

**ATTACHMENT 2 : Comparison of Smoking By-law in Various Cities and Municipalities**

<b>Places</b>	<b>Summary of laws/Acts/Ordinances</b>	<b>Prohibition/Exceptions</b>
NS Smoke Free Places Act	This Act was intended to restrict smoking of tobacco where persons under 19 years could be present, employees at the work place, and in public places. It set standards province wide and also included provisions which allowed municipalities to supercede the provincial with stronger legislation.	Exceptions: restaurants and bars with designated smoking rooms, casino and private clubs not included and bars after 9 PM
HRM By-law S-203	Aimed at filling in the gaps and inequities imposed by the provincial legislation	Exceptions: hospitals, residential care facilities, homes for the aged, disabled and veterans, nursing homes and detox centres
Los Angeles (California State Legislation)	Los Angeles does not have municipal bylaw. They are subject to statewide smoking legislation. It is primarily about the protection of workers and workplace regulations regarding safety, etc. Regulation of anything other than workplaces may be undertaken by local jurisdictions.	100% of enclosed places Exceptions: owner operated bars with no employees, % hotel rooms, designated lobbies, retail wholesale tobacco shops, private smokers lounge attached to retail or wholesale tobacco shops, cabs of motortrucks, warehouse facility over 100,000 sq. ft.
New York	Local Law 47, the New York City Smoke-Free Air Act, was signed into law on December 30, 2002. The Act makes virtually all workplaces in the City of New York smoke-free. All work sites are required to develop, distribute and post their smoke-free policy, in accordance with the law, which becomes effective on March 30, 2003.	Exceptions: <ul style="list-style-type: none"> <li>• Tobacco bars that were in existence on December 31, 2001</li> <li>• Owner-operated bars where there are no employees and where there are three or fewer principal owners</li> <li>• Non-profit membership associations with no employees. All of these facilities must apply for an exemption and register with the New York City Department of Health and Mental Hygiene.</li> <li>• Bars with small, separately ventilated enclosed smoking rooms, built for the exclusive purpose of smoking. Note: Separate smoking rooms in bars will no longer be permitted after January 2, 2006.</li> </ul>

Places	Summary of laws/Acts/Ordinances	Prohibition/Exceptions
<p>Toronto By-law No. 441-1999</p>	<p>Primarily enacted to provide protection from the effects of second hand smoke in all workplaces and public places. An incremental approach to implementation was taken. Transitional provisions were included in the by-law such that each type of public place was classified and a phase out schedule for allowed designated smoking rooms was set for each classification. The full effect of the by-law comes into effect June 1, 2004</p>	<p>Exceptions:</p> <ul style="list-style-type: none"> <li>• hospital psychiatric facility, nursing home, home for special care, other similar institutions.</li> <li>• Where a workplace is a private club</li> <li>• Designated unenclosed smoking area 25% of occupiable space in Public Spaces A-F, IE.</li> <li>• <u>Public Place Class A</u> restaurants and, food courts, indoor patio,</li> <li>• <u>Public Place Class B</u> - used for bowling, skating curling or similar uses designated smoking area space ends June 1, 2001,</li> <li>• <u>Public Place Class C</u> - billiards</li> <li>• <u>Class D</u> - games of chance</li> <li>• <u>Class E</u> - bars, taverns, places licensed to sell liquor, sale and service of food or drink on premises and</li> <li>• <u>Class F</u> bingo halls - ends June 2004</li> </ul>
<p>Kentville Chapter 59</p>	<p>This by-law was enacted December 12, 2001. It provides for a total prohibition of smoking in all indoor public spaces.</p>	<p>Excludes taxicabs</p>
<p>Cape Breton Regional Municipality</p>	<p>This by-law was enacted July 7, 2001. The aim of the by-law was to restrict the smoking of tobacco in indoor public space 100%. It did permit designated smoking rooms but provided for a phase out schedule of designated smoking rooms to ease the economic impact that might be caused to proprietors and owners. Those proprietors were given three years to phase in the 100% prohibition.</p>	<p>Excludes places for the custom blending and sale of tobacco products. Phased in implementation of ban to apply to designated smoking areas July 1, 2003</p>
<p>Vancouver NO. 6580 The Health By-law</p>	<p>This is a broad based by-law which provides for the care, promotion and protection of the health of the inhabitants of the City of Vancouver. section 6 addresses smoking restrictions. Cover indoor public space public assemblies, commercial establishments any place of employment Restaurants 17 seats or more. In 2002 the Province of BC had established very stringent smoking regulations with a 100% ban, but has backed away and allowed municipalities to provide less restrictive by-laws and include use of separate smoke rooms(Jan 17-02 Globe and Mail).</p>	<p>Exceptions:</p> <ul style="list-style-type: none"> <li>• patio or smoking room no larger than 10% of the floor area portion of the building which is separately heated, cooled and vented to the outside, equipped so its only purpose is to permit person smoke.</li> <li>• taxis with consent of all passengers and driver.</li> <li>• place where custom blending of tobaccos takes place along with sales of tobacco, pipes and cigars.</li> </ul>

**ATTACHMENT 3: Comparison of Provincial and Municipal Legislation**

<b>Interest Area</b>	<b>NS Smoke Free Places Act <i>*DSR is a designated smoke room</i></b>	<b>Proposed HRM By-law S-203</b>
open indoor spaces, malls, retail, eating areas	100% smoke free	100% smoke free
restaurants	100% smoke free - except for DSRs, restricted to over 19 years and cannot take up more than 25% of occupiable space	100% smoke free
private functions	excluded under section 5 and 6 for private function where no one under the age of 19 permitted	
bingos	100% smoke free, except for separately vented smoke room	100% smoke-free
bars, beverage rooms, cabarets	100% smoke free between 6 AM and 9PM except for allowed smoke rooms separately vented, restricted to over 19 years cannot take up more than 25% of available space.	100% smoke-free
private clubs	100% smoke free except where no one under 19 years of age is permitted and is separately enclosed and separately vented, as prescribed by regulations.	100% smoke-free
casinos	not specified	100% smoke-free
outdoor patios	50% no smoking area where under 19 years prohibited.	100% smoke-free
ferries, buses, Taxis and limousines	taxis and limousines, and shelters 100% smoke free	100% smoke-free
bingo	100% except in DSRs	100% smoke-free
community, recreation , multi service centres,	100% smoke free	not covered
bowling alleys,	100% smoke free	not covered
place of employment	100% smoke free except under section 6 which allows restaurants, bars and beverages rooms, a private club, a cabaret or other licensed facility, or as set out by the regulations where there is a separately enclosed and separately vented area and no one under 19 years of age is permitted. Designated smoking rooms must meet specifications of regulations	not a mandated area ,  <i>under section 6 NSSF Act referring to restaurants, licensed establishments HRM by-law is 100% smoke free</i>
employee protection	No employer can discharge or layoff any employee because employee refuses to work in part of an enclosed place or outdoor area where smoking is permitted.	not a mandated area

Interest Area	NS Smoke Free Places Act <i>*DSR is a designated smoke room</i>	Proposed HRM By-law S-203
under age of 19 years	not allowed in any enclosed area where smoking is allowed or in outdoor area where under 19 years is not permitted.. Manager is required to enforce this restriction..	not a mandated area
confiscation of smoking materials from under 19 years of age	Peace officer can with reasonable grounds may search and confiscate any tobacco in that persons possession. Also and reversal and appeal process.	not a mandated area
schools, day cares, hospitals, libraries, cinema, theater, pool hall, video arcade	100% smoke free	not covered
residential group homes, d-tox centre, health facilities, nursing home, residential care facility, home for the aged, or disabled person, part of health care facilities that cares for veterans,	100% smoke free except in area that no person under age of 19 years is allowed and is separately closed and separately vented., as prescribed by the regulations...	not covered
offices of provincial, municipal government, villages school boards and related agencies	100% smoke free	not covered
common areas of commercial buildings and residential buildings, elevators, escalators, stairwells,	100% smoke free	not covered
public spaces in malls, eating places 100% smoke free	100% smoke free	not covered
grounds of s school	100% smoke free	not covered
penalty and fines	Every manager and employee who contravenes the Act is guilty of an offense and is liable on summary conviction of a fine of not more than \$2000;on second offence to a fine not more than \$5,000 and for a third and subsequent offenses a fine of not more than ten thousand dollars. also possible suspension or cancellation of any permits and licenses.	Any person, other than a proprietor, not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2000.00). (2) Any proprietor not less than two hundred dollars \$200 and not more than two thousand dollars \$2000, and up for subsequent convictions to \$10,000