



Regulations for Smoking By-law

Committee of the Whole

May 21, 2019

Presented by:

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Presentation Outline

- Background
- Community Consultation & Survey Results
- York Region Working Group
- Draft Smoking By-law
- Municipal Comparators
- Conclusion & Discussion

Background

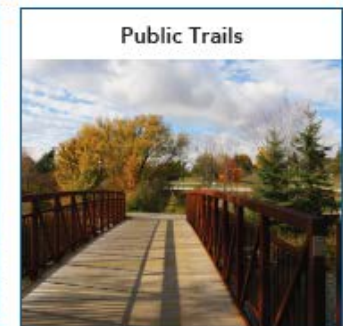
- Smoke-Free Ontario Act governs smoking & vaping of tobacco & cannabis across the province.
- March 18, 2019 – Committee directed staff to undertake community consultation & report back with draft regulations for the Town.

Community Consultation

- Telephone & online survey conducted over month of April.
- MDB Insight conducted telephone survey.
- Staff conducted online survey.
 - Launched at April 3 Community Open House
 - One of the top posts on Twitter



Where should the Town prohibit or allow smoking/vaping tobacco and cannabis?



#DYK: The province allows **#cannabis** and **#tobacco** to be smoked in the same places, except for in vehicles? Should **#Newmarket** regulate cannabis and tobacco the same way ? Have your say at our Community Open House on Wednesday, April 3, drop by 4-8 p.m.! **#NewmarketOpenHouse**



COMMUNITY OPEN HOUSE
Wednesday, April 3, 4 to 8 p.m. | Municipal Offices (395 Mulock Drive)

Have Your Say on Proposed Cannabis Regulations
heynewmarket.ca

The poster features a 'no smoking' sign in the foreground, with a green train blurred in the background. The sign is a white square with a red circle and slash over a black cigarette icon. The background shows a chain-link fence and a green train moving past.

Top - Smoking By-law Survey

- Impressions: 2,430
- Relevant and hot topic for residents
- Website Card was used to optimize Link Clicks
- Received 15 Link Clicks compared to an avg. of 8.8.

Online & Telephone Survey

- Respondents were asked if they were over 19 years old & lived in Newmarket.
- 352 telephone responses & 1157 online responses.



Survey Questions

- Draft questions were presented on March 25, 2019 Council agenda in a memorandum.
- Respondents were asked to answer each question treating tobacco & cannabis (smoked & vaped) separately.
- Respondents were asked whether they smoke or vape tobacco &/or cannabis products, & if so, how frequently they smoke or vape.

Survey Questions

1. Below is a list of locations where the smoking or vaping of tobacco & cannabis products is currently permitted according to provincial laws & we want to know if you think it should be allowed or prohibited.
 - Public green spaces
 - Public trails
 - Backyards of private residences
 - Designated smoking areas on private property

2. Smoking tobacco or cannabis is not permitted on or within 20 metres from a recreation facility such as the Tim Hortons Skating & Water Feature at Riverwalk Commons. However, public gathering areas beyond the 20 metre limit do not have any such restriction.

Should smoking or vaping of tobacco or cannabis products be allowed or prohibited in the public areas beyond the 20 metre limit?

3. Shisha smoking (also called hookah), is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl & hose or tube.

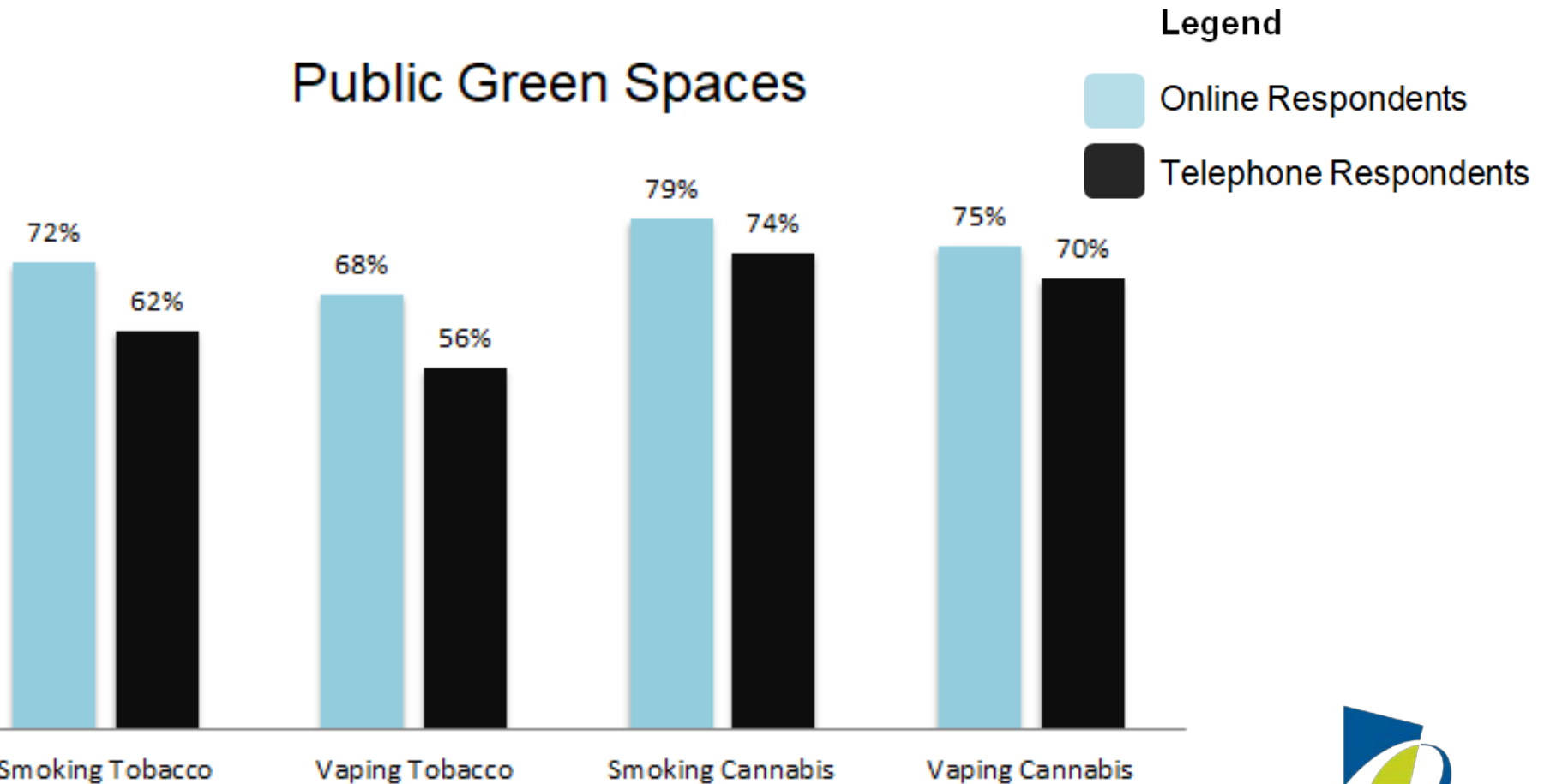
Do you think Shisha smoking in a private business catering to Shisha smoking should be allowed or prohibited in the Town of Newmarket?

Shisha/Hookah Lounges

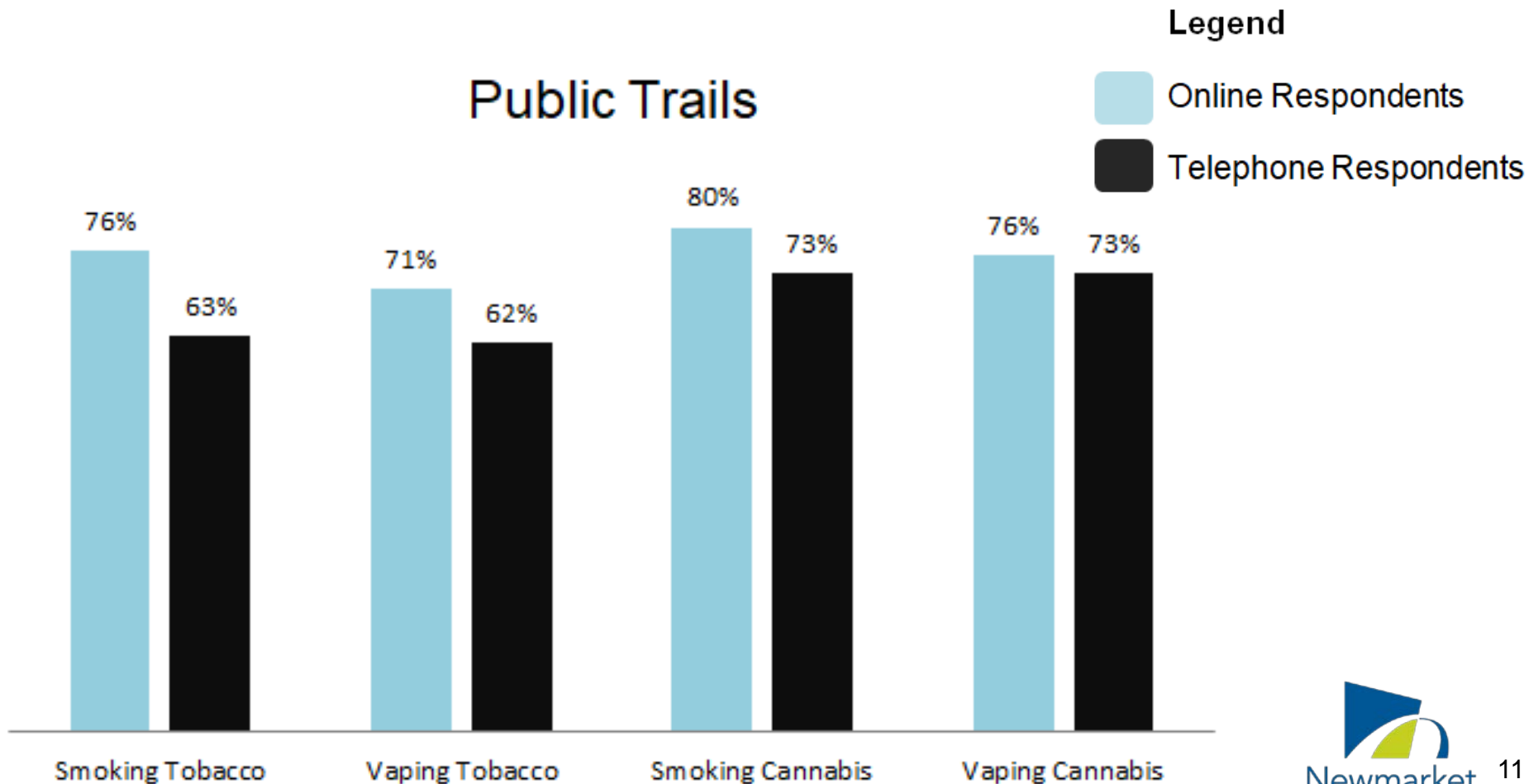
- Question asked to inform future Zoning By-law amendments (not the Smoking By-law).
- Clarification:
 - Shisha/Hookah lounges are permitted under the Smoke-Free Ontario Act so long as the product is **tobacco free**.

Percentage of Respondents who said substances should be **prohibited**

Public Green Spaces



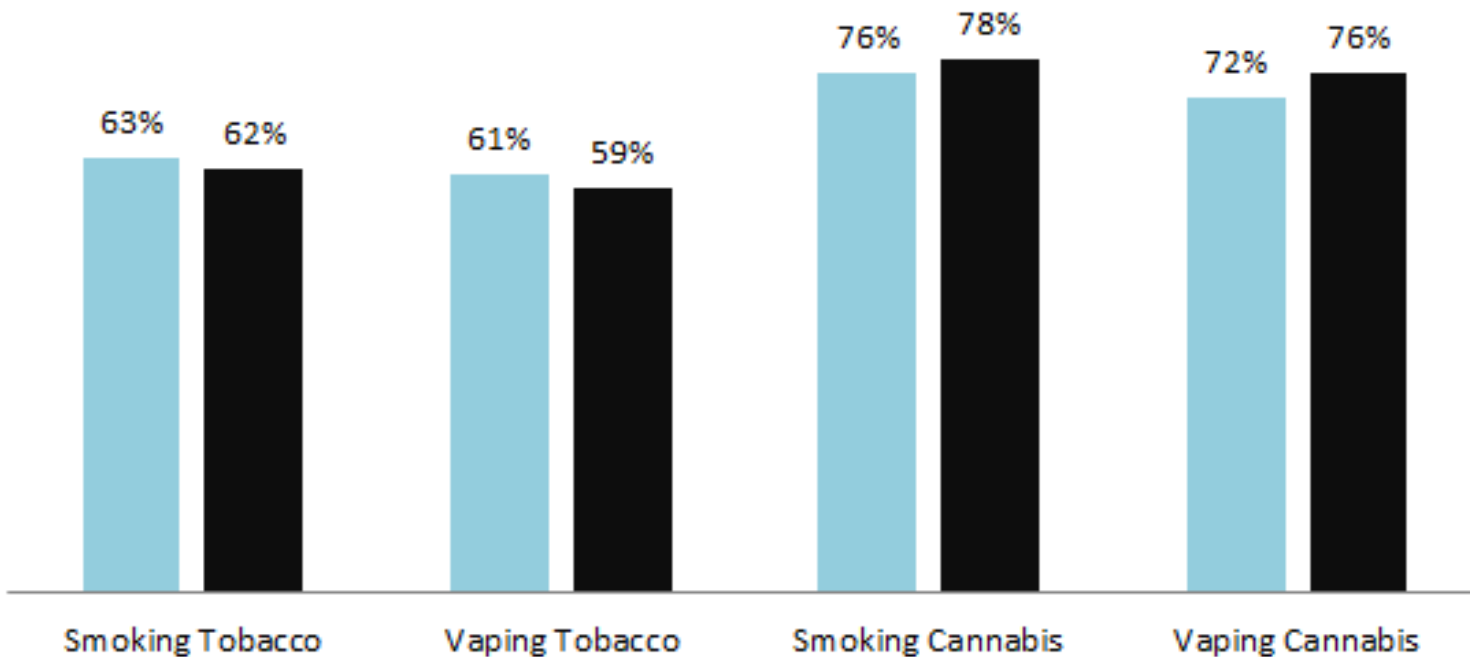
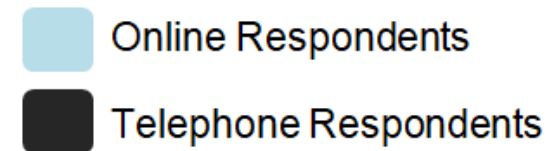
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Percentage of Respondents who said substances should be **prohibited**

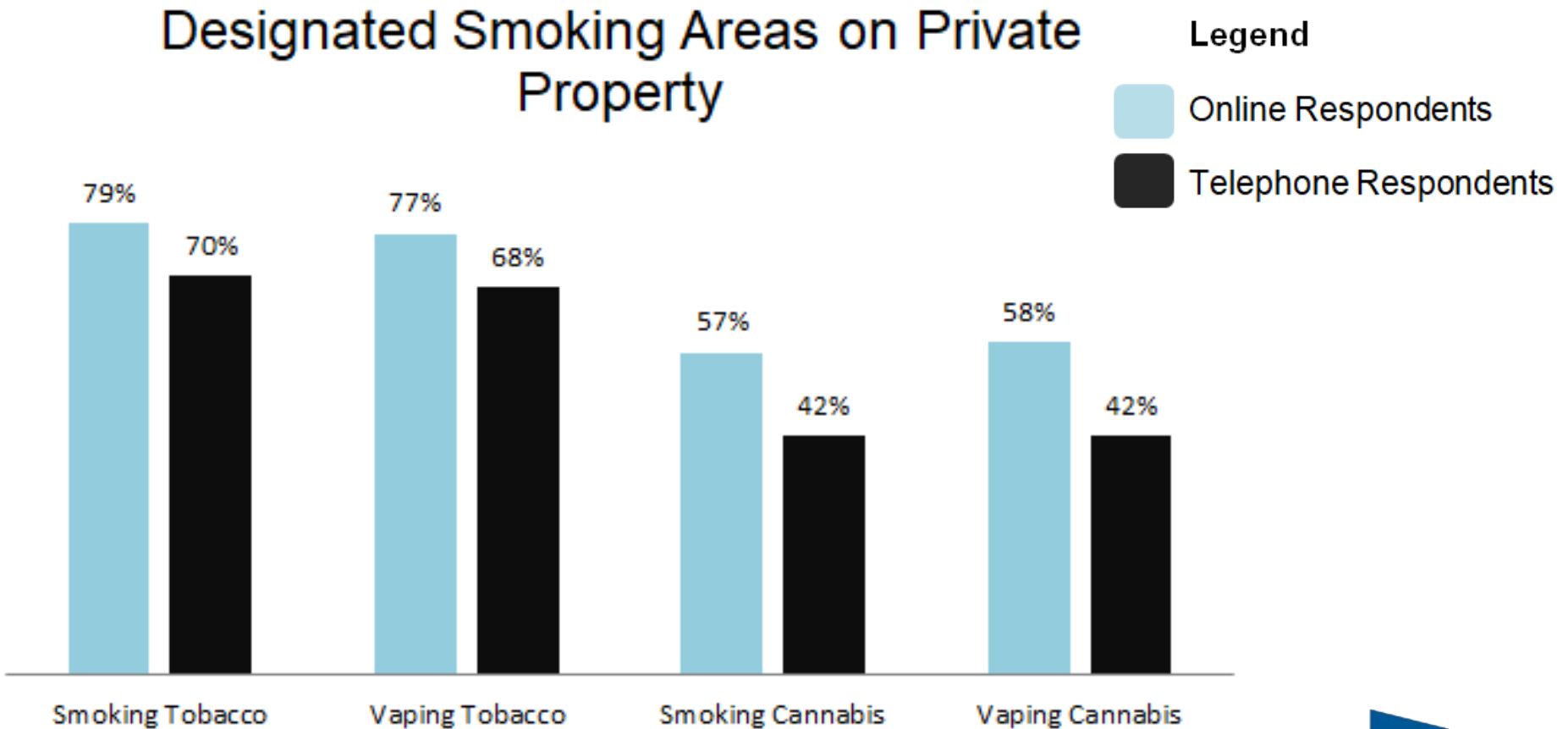
Public Gathering Areas beyond the 20 metre limit under the SFOA

Legend



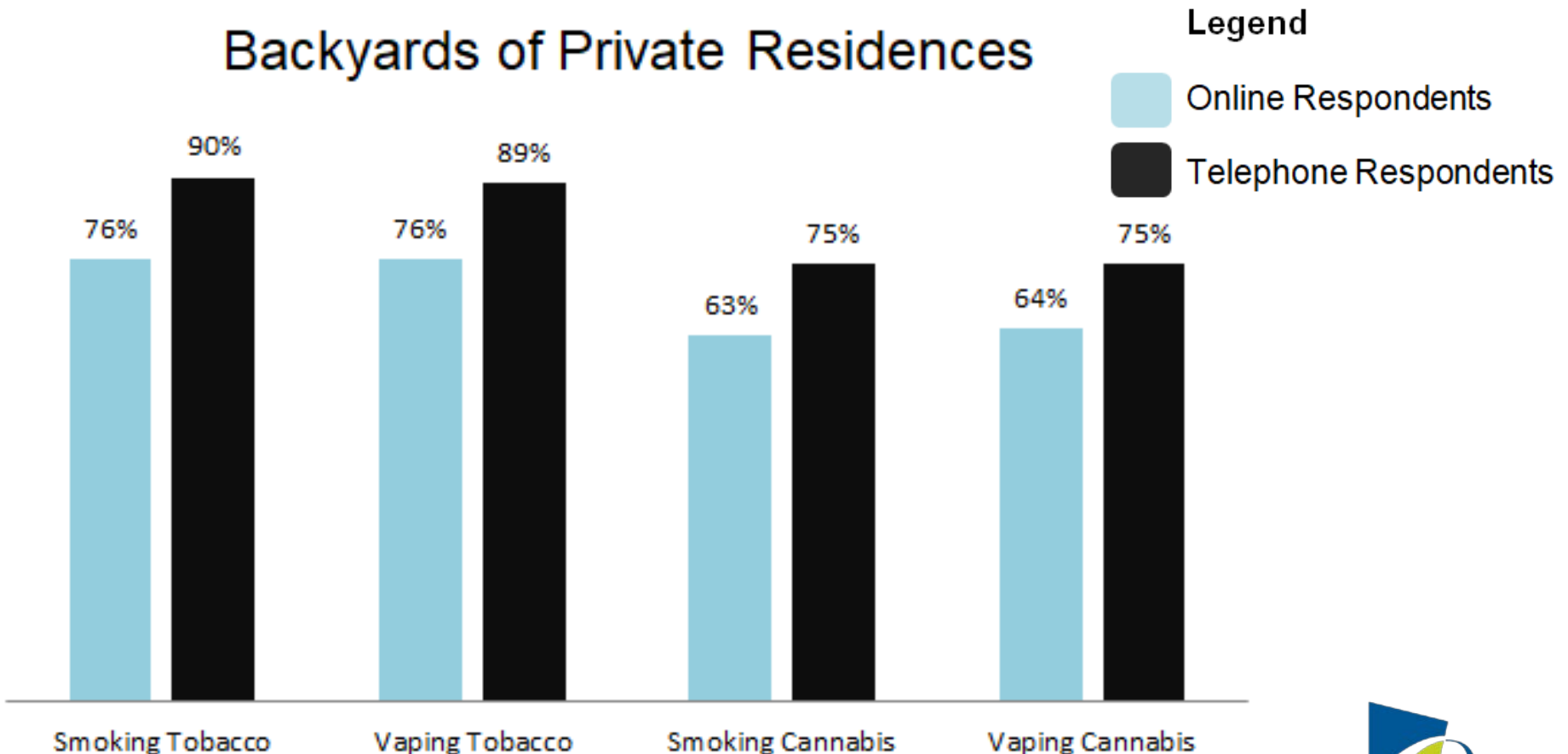
Percentage of Respondents who said substances should be **permitted**

Designated Smoking Areas on Private Property



Percentage of Respondents who said substances should be **permitted**

Backyards of Private Residences



Summary of Survey Results

- The majority of respondents **would not permit** smoking or vaping of **tobacco & cannabis** in public green spaces, public trails, or public gathering areas beyond the areas already prohibited by the Smoke-Free Ontario Act.
- The majority of respondents **would permit** smoking & vaping of both tobacco & cannabis in backyards.
- Tobacco smoking & vaping in designated smoking areas on **private** property seems acceptable to most, but not cannabis.

Feedback from Committee of the Whole on March 18, 2019

- Recognition of enforcement considerations & challenges.
- Enforcement concerns about products **other than** cannabis & tobacco being vaped or smoked.
- How will the Town handle smoking & vaping at Special Events? (e.g., closure of Main Street)
- Alignment of regulations for tobacco & cannabis.
- Reduction in second-hand smoke exposure.
- Designated areas would allow a place for individuals who do smoke or vape tobacco &/or cannabis.

York Region Working Group

- Working group developed 2 templates for use by lower tier municipalities.
- Templates were developed to create some level of consistency for definitions, enforcement & offence provisions.
- Working group recognized that the general prohibitions & applicability sections would be unique for each community.

Draft Smoking By-law for Newmarket

- Used feedback from Committee of the Whole & public consultation to draft By-law.
- Prohibits smoking & vaping **tobacco & cannabis & other substances** on all public property, including:
 - Parks, trails, green spaces
- Designated Smoking Areas may be established on public property to provide a specific area for those who consume.

Other Municipal Smoking By-laws

(as of May 15, 2019)

Municipality	Substance(s) prohibited			Substance prohibited on public property	Designated Smoking Areas may be established
	Tobacco	Cannabis	Other substances		
Barrie* *To be considered at June 17 Council meeting	✓	✓	✓	✓	✓
Bradford	✓	✓	✓	✓	✓
Orillia	✓	✓	✓	✓	✓
Vaughan	✓	✓	✓	✓	✓

Conclusion & Next Steps

- Staff seeking Council approval of new Smoking By-law.
- Pilot Smoking By-law for 1 year & report back, if By-law amendments required.
- Communicate to public on where smoking & vaping is permitted & not permitted.
- Conduct public education through summer months (2 summer students hired to conduct outreach).

Questions?