

December 18, 2014

Mayors and Councillors
Simcoe Muskoka Municipalities

Dear Mayor and Council:

Re: New Smoke-Free Ontario Act Regulations effective January 1, 2015

I'd like to bring to your attention incoming new regulations under the Smoke-Free Ontario Act (the Act), which will impact your municipality's playgrounds and sporting areas. The intent of the new legislation is to further protect children and young people from tobacco by decreasing its visibility in outdoor public spaces frequented by them. The Tobacco Control Health Promotion Implementation Branch at the Ministry of Health and Long-Term Care is coordinating this implementation with health units throughout the province. The Ministry is supporting the campaign with sign printing, mixed media and fact sheets commencing this month.

Under the new regulations, the smoke-free area for municipal playgrounds and sporting areas encompasses an area extending 20 meters from the perimeter of each site (including accompanying spectator areas). A "playground" is defined as an area that is primarily used for the purposes of children's recreation, fitted with children's play equipment, open to the public (whether or not a fee is charged for entry), and not part of a residential location (e.g. condominium, apartment building, and campground). Play equipment includes but is not limited to slides, swings, climbing apparatuses, splash pads, wading pools and sand boxes. "Sporting areas" is defined to include (a) an area that is provincially or municipally owned and includes a sporting area on a post-secondary campus; (b) primarily used for the purposes of sports including soccer fields, football fields, basketball courts, tennis courts, baseball diamonds, cricket fields, skating rinks, beach volleyball, running tracks, swimming pools or skateboarding parks; and (c) is open to the public (whether or not a fee is charged for entry). Golf courses are specifically excluded and beaches are not included in the amendments except for those portions of a beach where a playground or beach volleyball (or similar) use occurs.

The new smoke-free playgrounds and sporting areas provisions are incorporated into the existing structure of the Act. Therefore, the current set fines in place for smoking in a prohibited area are retained (\$250.00 plus victim fine surcharge), as well as the existing sign section of the Act. Enforcement of these new outdoor areas is to be conducted on a complaint basis, by the health unit's Tobacco Enforcement Officers. The Ministry's recommendation for the number of signs posted is four per sporting area, two per playground and for the signs to be posted on existing infrastructure. It is important for the provincial sign to be visibly posted so as to ensure successful prosecution of any Smoke-Free Ontario Act charges laid in connection with a violation at the outdoor municipal location. There is a

statutory obligation placed upon the proprietor of an area where smoking is prohibited, in this case the municipality, to post the Act's smoke-free sign.

The health unit's tobacco program supervisor, Martin Kuhn, has been in touch with your municipality the week of November 10th to estimate signage needs. Once the signs are shipped to the health unit he will contact your municipality by email to arrange delivery by tobacco enforcement staff. As supporting documentation is made available by the Ministry, Martin will communicate this to your staff and make himself available to answer any questions at (705) 721-7520 ext. 7248 or by email to martin.kuhn@smdhu.org.

In addition to smoke-free playgrounds and sporting areas, amendments to the regulations also include a ban on smoking on bar and restaurant patios and a prohibition against tobacco sales at post-secondary institutions. Ontario is a leader in North America in tobacco control and through the Smoke-Free Ontario strategy instituted in 2005, using a comprehensive approach, has succeeded in lowering the provincial smoking rate to the second lowest in Canada. Your own smoke-free bylaw initiatives (which have been influential in the introduction of these regulations provincially) remain in place. Should your outdoor smoke-free bylaw be more restrictive than the new regulations, your bylaw remains valid and is enforced by your enforcement staff. In such situations we request that both your bylaw sign and the SFOA sign be posted.

Your ongoing support for smoke-free and tobacco-free communities is much appreciated.

Sincerely,

ORIGINAL SIGNED BY

Charles Gardner, MD, CCFP, MHSc, FRCPC
Medical Officer of Health

ORIGINAL SIGNED BY

Lisa Simon, MD, MPH, CCFP, FRCPC
Associate Medical Officer of Health

CG:LS:mk

c. Municipal Clerk