

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 14.1.9
Halifax Regional Council
September 11, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: August 23, 2018

SUBJECT: By-Law N-304 Respecting Smoking

ORIGIN

On July 31, 2018 the following motion was passed by Regional Council:

Motion approved that Halifax Regional Council request a staff report on amending the Nuisance By-law, N-303, to remove tobacco from the restrictions on smoking on municipal property as suggested in option 3 in the staff report of June 19, 2018.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (Charter), subsection 188(1) as follows:

- 188 (1) The Council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing,

Smoke Free Places Act, 2002, c. 12, subsection 16(1) as follows:

- 16 (1) Nothing in this Act affects any other authority to regulate, restrict or prohibit smoking.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law N-304, amending the *Nuisance Bylaw*, to rename the by-law and to clarify Part 4 as set out in Attachment 2 of this report.

BACKGROUND

In response to federal and provincial legislation respecting the legalization of cannabis on July 14, 2018 Regional Council passed By-law N-303 amending the *Nuisance Bylaw* to:

- prohibit smoking on municipal property;
- allow the CAO or delegate to designate portions of municipal land as smoking areas; and
- within the serviced area, restrict the growing of cannabis to the dwelling unit or an accessory building.

On July 31, 2018 the following motion was PUT and PASSED by Halifax Regional Council:

Motion approved that Halifax Regional Council request a staff report on amending the Nuisance By-law, N-303, to remove tobacco from the restrictions on smoking on municipal property as suggested in option 3 in the staff report of June 19, 2018.

DISCUSSION

RENAMING THE BYLAW

Staff are recommending that the *Nuisance Bylaw* be renamed. Rather than creating a standalone smoking by-law, the prohibition against smoking on municipal property was added to the *Nuisance Bylaw*. Prior to passing N-303, the *Nuisance Bylaw* already regulated the following:

- engaging in any activity or pastime, on or near a street, which:
 - obstructs any person;
 - creates a disturbance; or
 - causes any damage to any structure, object, sod, plant or tree;
- interfering with the operation a barrier or fence, warning sign, signal or light placed on a street for purposes of
 - closing a street, or part thereof,
 - ensuring control of traffic or the safety of persons using the street;
- prohibiting traveling on a closed street, or the closed portion of the street that was closed, without the permission; and
- regulating the removal, abandonment, and retrieval of shopping carts.

By-law N-303 added a prohibition against smoking on municipal property and regulations around the location where the four cannabis plants may be grown.

Staff are now recommending that a distinction be drawn between smoking and nuisances by renaming the Bylaw the *Nuisance and Smoking Bylaw*. This requires amending both the long and short title of the Bylaw. The necessary changes to rename the Bylaw are included in Attachment 2 of this report.

HOUSEKEEPING AMENDMENTS

Municipal Property

While preparing this report, staff noticed that the *Nuisance Bylaw* currently defines “public place”; however, the term is not used in the body of the Bylaw. Bylaw N-303 added a new definition of “municipal property” to the Bylaw which is different from a “public place”. As the term “public place” is not used in the Bylaw, staff are recommending it be removed.

As well, subsection 3A(1) uses the term “municipal property” which is the defined term. Subsection 3A(2) and the header for Part 3A use the term “municipal land”. For consistency staff are recommending the term “municipal property” be used throughout Part 3A.

Plants and Weeds

Clarify cannabis plants rather than use term "weed" which can be confusing given its use as an alternative name for cannabis generally.

SMOKING ON MUNICIPAL PROPERTY

As requested by Council, staff have prepared the necessary amendments to the *Nuisance Bylaw* to limit the prohibition against smoking on municipal property to cannabis (Attachment 3).

Staff are recommending that smoking any substance, including tobacco and cannabis, on municipal property continue to be prohibited as set out in By-law N-303. Staff is making this recommendation for two reasons: the public health implications of smoking, and the prosecution implications of limiting the prohibition to cannabis.

Each implication will be discussed in turn.

Health Implications

Tobacco smoking is a public health risk and a prohibition against smoking on municipal property will help increase the number of non-smokers in the Municipality. Dr. Robert Strang, Nova Scotia's Chief Public Health Officer, has stated that "...policies that promote non-smoking as the social norm have been crucial in reducing smoking rates over the last 15 to 20 years". The Nova Scotia Health Authority (Health Authority) notes that the *Smoke-free Places Act* has been effective in contributing to an increase in the number of Nova Scotians who do not smoke. In fact, the percentage of non-smokers in Nova Scotia has increased from 74.7% in 2002 to 82.2% in 2015 (Attachment 4).

Approximately four out of five Nova Scotians (82.2% of the population) do not smoke tobacco products but are exposed to tobacco via second-hand smoke and the potential negative health risks associated with it (Attachment 5). There are over 4000 chemicals in second-hand tobacco smoke and 70 of these chemicals are known to cause cancer (Attachment 6). There is no safe level of exposure to second-hand smoke and non-smokers exposed to second-hand smoke have an increased risk of developing lung cancer, heart disease and respiratory illnesses (Attachment 5).

According to the Health Authority, to continue to increase the rate of non-smokers in Nova Scotia, especially among youth, we need to strengthen and advance smoke-free environments. This is supported by *Canada's Tobacco Strategy* which "...recognizes the potential of harm reduction—helping those who can't or won't quit using nicotine to identify less harmful options—while continuing to protect young people and non-smokers from inducements to use nicotine and tobacco" (Attachment 7). Research shows reducing the visibility of smoking in public spaces supports lower tobacco usage by youth and reduces exposure for both children and youth to second hand smoke. Smoke-free environments

"protects people from tobacco smoke exposure and associated physical harms such as respiratory illness, cancer and cardiovascular disease. It also protects people from social exposure to tobacco smoke which is known to influence initiation of smoking for non-smokers and relapse for people who have quit smoking" (Attachment 8).

The inclusion of tobacco smoke in the current by-law expands smoke-free places and, according to the Health Authority (Attachment 4), will

...help us achieve our objectives of:

- minimizing social exposure of tobacco and vape to children and youth
- reducing the potential health risks of exposure to second-hand smoke; and
- supporting current smokers who want to quit.

Council has taken a lead role in regulating smoking since 1997 when it passed the first *Smoking By-law*. The regulation of smoking recognizes Council's longstanding commitment to "Healthy, Liveable Communities" and the recent amendments prohibiting smoking on municipal property exemplifies that commitment. As the Health Authority points out, the amendments will assist the Health Authority in achieving the aim of *Canada's Tobacco Strategy* for less than 5% tobacco use nationwide by 2035 (Attachment 4) and "smoke-free by-laws and related policies are fundamental to a comprehensive tobacco reduction strategy" (Attachment 8).

Prosecutions Implications

The amendments to the *Nuisance Bylaw* that Council has already passed prohibits smoking of any substance on municipal property. As a particular substance is not banned, such as the smoking of cannabis, the type of substance being smoked does not need to be proven. Rather, the Crown only needs to prove that a person was smoking on municipal property.

Changing the prohibition from a general smoking ban to a smoking ban only respecting cannabis will make enforcement more difficult. Investigators will need to get close enough to the offender to see what they are smoking and to smell the smoke. Courts may also require some level of scientific analysis that the substance being smoked was in fact cannabis. If Council limits the smoking ban to cannabis, staff are recommending adding a provision in the Bylaw that a judge may infer the offender smoked cannabis when a witness describes the substance as cannabis. This approach will increase the likelihood of a successful prosecution at trial.

FINANCIAL IMPLICATIONS

There are no additional financial implications at this time.

RISK CONSIDERATION

Council has already passed amendments to the *Nuisance Bylaw* respecting smoking on municipal property. There is low risk to adopting the additional amendments recommended by staff.

If Council selects the alternative, there is a moderate risk respecting enforcement as discussed in the prosecution implication section of this report.

COMMUNITY ENGAGEMENT

As part of consideration of the development of the by-law amendments, the following consultations were held:

- discussions with Nova Scotia Federation of Municipalities (formerly UNSM),
- Office of the Medical Officer of Health
- discussions with Nova Scotia Health Authority
- John Traves, Q.C., Director, Legal, Municipal Clerk & External Affairs, presented to the Law Amendments Committee on April 9, 2018, on Bill 108, An Act to Provide for the Regulation and Sale of Cannabis.

ENVIRONMENTAL IMPLICATIONS

None

ALTERNATIVES

Alternative One

Council could amend the *Nuisance Bylaw* to restrict the prohibition on smoking on municipal property to cannabis. These amendments remove tobacco and other substances from the definition of "smoke", adds a definition of "cannabis", and adds cannabis to the smoking prohibition.

The draft amendments necessary to amend the By-law N-304 to implement the alternative are attached as Attachment 3. If Council selects this option, the main motion needs to be amended as follows:

The motion is amended by adding “and further amend” after the word “clarify” and before the word “Part” and adding “and Attachment 3” after the number “2” and before the word “of”.

The amended motion would read as follows (amendments shown in bold):

It is recommended that Halifax Regional Council adopt By-law N-304, amending the *Nuisance Bylaw*, to rename the by-law and to clarify **and further amend** Part 4 as set out in Attachment 2 **and Attachment 3** of this report.

Alternative 2

Council could amend the *Nuisance Bylaw* as described in Alternative 1 and exempt the smoking of medical cannabis from the prohibition against smoking cannabis on municipal property. This exemption would only apply if the person was issued a medical document in accordance with the federal *Access to Cannabis for Medical Purposes Regulations*, the person is carrying the medical document, and the person shows the medical document to the peace officer.

The draft amendments necessary to amend the By-law N-304 to implement this alternative are attached as Attachment 4. If Council selects this option, the main motion needs to be amended as follows:

The motion is amended by adding “and further amend” after the word “clarify” and before the word “Part” and adding “and Attachment 8” after the number “2” and before the word “of”.

The amended motion would read as follows (amendments shown in bold):

It is recommended that Halifax Regional Council adopt By-law N-304, amending the *Nuisance Bylaw*, to rename the by-law and to clarify **and further amend** Part 4 as set out in Attachment 2 **and Attachment 4** of this report.

ATTACHMENTS

- Attachment 1 Showing Proposed Changes to the *Nuisance Bylaw*
(Yellow Shows staff recommended changes while green shows additional amendments arising from the Alternative Section of the Report)
- Attachment 2 By-law N-304, amending the *Nuisance Bylaw*
(As recommended by staff)
- Attachment 3 By-law N-304, amending the *Nuisance Bylaw*
(Additional amendments arising from the Alternative 1 of the Report)
- Attachment 4 By-law N-304, amending the *Nuisance Bylaw*
(Additional amendments arising from the Alternative 2 of the Report)
- Attachment 5 Letter dated August 16, 2018 from Nova Scotia Health Authority
- Attachment 6 Health Evidence Report: Restricting Tobacco Smoke on Municipal Property
(Nova Scotia Health Authority)
- Attachment 7 Tobacco Use Continues to be the Leading Preventable Cause of
Premature Death in Canada (Nova Scotia Health Authority)
- Attachment 8 Canada`s Tobacco Strategy
- Attachment 9 Information Prepared by Nova Scotia Health Authority

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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ATTACHMENT 1

(Showing Proposed Changes in yellow for staff's recommendations, green for the Alternatives 1 and 2, and red for Alternative 2 only)

HALIFAX REGIONAL MUNICIPALITY BYLAW N-300 RESPECTING NUISANCES **AND SMOKING**

The Council of the Halifax Regional Municipality under the authority vested in it by clauses 188 (1)(a), (b), (c) and (d) and 192(f) of the *Halifax Regional Municipality Charter*, and subsection 16(1) of the *Smoke Free Places Act*, enacts as follows:

Short Title

1. This Bylaw may be cited as Bylaw N-300, the "Nuisance **and Smoking** Bylaw".

Interpretation

2. In this Bylaw

(a) "abandon" means to leave a shopping cart on any public or private property outside the premises of the business that owns the shopping cart;

(aa) "accessory building" means a detached subordinate building, not used for human habitation, that is

(i) located on the same lot as the main building or use to which it is accessory,

(ii) wholly constructed of rigid materials such as metal, wood, or glass;

(b) Repealed;

(ba) "cannabis" means cannabis as defined in the *Cannabis Act* (Canada); [Alternatives 1 and 2]

(bab) "cannabis plant" means a weed that is a cannabis plant as defined in the *Cannabis Act* (Canada);

(c) "Council" means the Regional Council of the Municipality;

(ca) "dwelling unit" means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units,

excluding any

(i) detached structure that is not an accessory building, or

(ii) structure that is attached to the exterior wall of the dwelling unit or the building containing the dwelling unit, such as a balcony, deck, patio, porch, terrace, or veranda;

(d) “Inspector” means the Inspector appointed by the Chief Administrative Officer or his designate;

(da) “licensed producer” means an individual or corporation issued a producer’s license in accordance with the *Access to Cannabis for Medical Purposes Regulations* (Canada);

(db) “municipal property” means any land owned, occupied, or leased by the Municipality, including a street, and a park as defined by the *Municipal Parks By-law*;

(e) “Municipality” means the Halifax Regional Municipality;

(f) “owner” means,

(i) in respect of a shopping cart, a person or business who owns or provides shopping carts to its customers, or the assessed owner of the property where the business who provides shopping carts to its customers is located, or

(ii) in all other respects, as defined by clause 3(av) of the *Halifax Regional Municipality Charter*;

(g) Repealed;

(h) “parking area” means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

(i) “premises” means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, “premises” shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;

(j) ~~“public place” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, water courses including the shore of the water course, municipal, provincial or federal owned lands or any other place to which the public has access as a right or by invitation, express or implied;~~ **Repeal**

(ja) “serviced area” means the urban serviced area shown on Schedule B, the service requirement map, of the *Regional Subdivision By-law*;

(k) “shopping cart” means a non-motorized basket which is mounted on wheels, or a similar device, generally used by a customer of a business for the purpose of transporting goods;

(ka) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats **cannabis** ~~tobacco, cannabis or another substance that is intended to be smoked or inhaled;~~ [Alternatives 1 and 2]

(l) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the *Halifax Regional Municipality Charter*; and

(m) ~~“weed” means a cannabis plant as defined by the *Cannabis Act* (Canada)~~ **Repeal**.

PART 1 - NUISANCE ON STREETS

Street Nuisance Defined and Prohibited

3. (1) No person shall create, continue or suffer any nuisance to exist on or near a street.
- (2) For the purposes of this Part, nuisance includes:
 - (a) engaging in any activity or pastime which:
 - (i) obstructs any person;
 - (ii) creates a disturbance; or
 - (iii) causes any damage to any structure, object, sod, plant or tree.
 - (b) interfering with, moving, damaging, or altering in any way, the operation of any barrier or fence, warning sign, signal or light placed on or near a street for purposes of closing the street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the street; and
 - (c) entering, traveling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director of Public Works and Transportation.

Penalty

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 1A – SMOKE ON MUNICIPAL LANDS ~~LANDS~~ PROPERTY

Smoking on Municipal Property

- 3A. (1) No person shall smoke **cannabis** on municipal property. [Alternatives 1 and 2]
- (2) Notwithstanding subsection (1), the CAO or delegate may designate a portion of municipal **land property** as a smoking area **for cannabis**. [Alternatives 1 and 2]
- (3) **The judge of the court trying a case may, in the absence of evidence to the contrary, infer that any substance in question is cannabis within the meaning of this Bylaw from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.** [Alternatives 1 and 2]
- (4) **Subsection 1 shall not apply to a person who:**
 - (a) **is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations;**
 - (b) **has on their person the medical document; and**
 - (c) **on the demand of a peace officer, produces the medical document.** [Alternative 2]

Penalty

3B. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Twenty-five Dollars (\$25.00) and not exceeding Two Thousand Dollars (\$2,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 2 - SHOPPING CARTS

Removal Or Abandonment Prohibited

5. (1) No owner shall suffer or permit a shopping cart owned or used by the business to be removed from the premises of the business without providing written consent to the person removing the shopping cart.

(2) No owner shall suffer or permit a shopping cart owned or used by the business to be abandoned upon any public or private property.

(3) No owner shall knowingly have on their premises shopping carts identified as belonging to another business.

(4) This section shall not apply to shopping carts removed as authorized by the owner for the purposes of repair, maintenance or disposal.

Information Required On Shopping Carts

6. The owner shall permanently affix to the front of each shopping cart a weather proof sign including the following information:

- (1) name of shopping cart owner or business or both;
- (2) valid published telephone number and address for returning shopping cart to owner; and
- (3) notification that removal of a shopping cart from the owner's premises, unauthorized possession of a shopping cart and abandonment of a shopping cart on public or private property is not permitted.

Parameters Of Cart Recovery Service

7. The owner of a business shall have a proactive shopping cart recovery service which shall include:

- (1) establishment of a dedicated phone line with 24 hour machine answering service (telephone number as in subsection 6(2));
- (2) conspicuous notification on premises that the following are prohibited:
 - (ii) the removal of a shopping cart from the owner's premises;
 - (iii) the unauthorized possession of a shopping cart; and
 - (iv) the abandonment of a shopping cart on public or private property.
- (3) retrieval of the shopping carts by the owner within 24 hours of receipt of notification through a dedicated phone line; and
- (4) shopping cart retrieval at the expense of the owner.

Impoundment by Municipality

8. (1) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.

(2) Within 48 hours, the Municipality shall inform the owner that the shopping cart has been impounded by phoning the owner's dedicated phone line.

(3) An impound fee in the amount set by Administrative Order 15, Respecting License, Permit and Processing Fees shall apply to each shopping cart impounded pursuant to subsection (1).

Retrieval By Owner

9. The Municipality shall release impounded shopping carts to the owner on the payment of the impound fee pursuant to clause 8(3).

Disposal by the Municipality

10. (1) The Municipality may sell or otherwise dispose of any impounded shopping carts not retrieved by the owner within 7 working days following the date of impoundment.

(2) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner.

Penalty

11. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) dollars and not exceeding One Thousand Dollars (\$1,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding sixty days.

PART 3

12. Repealed.

PART 4 – PLANTS AND OTHER WEEDS

12A (1) Within the serviced area and subject to subsection 2, no person shall

(a) cultivate, propagate, dry, or harvest ~~weed~~ **a cannabis plant**, unless the cultivating, propagating, drying, or harvesting occurs wholly within a dwelling unit or an accessory building;

(b) own or occupy property where ~~weed~~ **a cannabis plant** is cultivated, propagated, dried, or harvested, unless the ~~weed~~ **cannabis plant** is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or

(c) permit or allow ~~weed~~ **a cannabis plant** to be cultivated, propagated, dried, or harvested on property they own or occupy, unless the ~~weed~~ **cannabis plant** is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.

(2) Subsection (1) of this section shall not apply to a licensed producer.

12B (1) Every person who violates the provisions of this Part shall be guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) dollars and not exceeding Ten Thousand Dollars (\$10,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding one year.

(2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(3) In addition to a penalty imposed for a contravention of this By-law in accordance with subsection (1) of this section, the judge may order that the ~~weed~~ **cannabis plant** be removed and destroyed.

(4) Any costs incurred by the Municipality relating to an order for the removal and the destruction of the ~~weed~~ **cannabis plant**, shall be a first lien on the property upon which the ~~weed~~ **cannabis plant** was removed.

REPEAL OF BY-LAWS

13. The following by-laws are repealed:

By-Law 22104 of the former Town of Bedford, the Loitering By-Law;

By-Law 22141 of the former Town of Bedford, the discharge of Firearms By-Law;

By-Law A-300 of the Former City of Dartmouth, the Air Guns and Rifles By-Law;
By-Law F-300 of the Former City of Dartmouth, the Firearms By-law;
By-Law L-400 of the former City of Dartmouth, the Littering By-Law;
By-Law L-600 of the former City of Dartmouth, the Loitering By-Law;
By-Law N-300 of the former City of Dartmouth, the Abatement of Nuisances
By-Law;
Ordinance 159 of the former City of Halifax, the discharge of Guns and Other
Firearms;
Part VI of Ordinance 180 of the former City of Halifax, the Streets Ordinance;
Sections 4, 5, 5A and 6 of By-law 8 of the former Halifax County Municipality, the
Mischiefs and Nuisance By-Law;
By-Law 39 of the former Halifax County Municipality, the Loitering By-Law,
By-Law 47 of the former Halifax County Municipality, the Dumping of Garbage
and Litter By-law, and any amendments thereto

Done and passed in Council this 7th day of August, 2007.

MAYOR

MUNICIPAL CLERK

ATTACHMENT 2
(Amending By-law as Recommended by Staff)

HALIFAX REGIONAL MUNICIPALITY
BYLAW N-304
RESPECTING NUISANCES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that By-law N-300, the *Nuisance Bylaw*, is further amended as follows:

1. The title of the By-law is amended by adding the words “AND SMOKING” after the words “RESPECTING NUISANCES” and before the words “the Council”.
2. Section 1 is amended by adding the words “and Smoking” after the word “Nuisance” and before the word “Bylaw”.
3. Section 2 is amended by:
 - (a) adding clause (ba) after the repealed clause b and before clause c as follows:
 - (ba) “cannabis plant” means a weed that is a cannabis plant as defined in the *Cannabis Act* (Canada);
 - (b) repealing clauses (j) and (m).
4. The header to Part 1A is amended by
 - (a) striking out the words “LANDS” after the word “MUNICIPAL”; and
 - (b) adding the word “PROPERTY” after the word “MUNICIPAL”.
5. Subsection 3A (1) is amended by adding the word “cannabis” after the word “smoke” and before the words “on municipal”.
6. Subsection 3A (2) is amended by:
 - (a) striking out the word “land” after the word “municipal” and before the word “as”; and
 - (b) adding the word “property” after the word “municipal” and before the word “as”.
7. The header of Part 4 is amended by adding the words and dash “- PLANTS AND WEEDS” after “PART 4”
8. Subsection 12A (1) is amended by
 - (a) striking out the word “weed” after the word “harvest” and before the comma and word “, unless” in clause (a);
 - (b) adding the words “a cannabis plant” after the word “harvest” and before the comma and word “, unless” in clause (a);
 - (c) striking out the word “weed”
 - (i) after the word “where” and before the words “is cultivated” in clause (b), and

- (ii) after the words “unless the” and before the words “is cultivated” in clause (b);
 - (d) adding the words “a cannabis plant” after the word “where” and before the words “is cultivated” in clause (b);
 - (e) adding the words “cannabis plant” after the words “unless the” and before the words “is cultivated” in clause (b);
 - (f) striking out the word “weed”
 - (i) after the word “allow” and before the words “to be” in clause (c), and
 - (ii) after the words “unless the” and before the words “is cultivated” in clause (c);
 - (g) adding the words “a cannabis plant” after the word “allow” and before the words “to be” in clause (c); and
 - (h) adding the words “cannabis plant” after the words “unless the” and before the words “is cultivated” in clause (c).
9. Subsection 12B (3) is amended by
- (a) striking out the word “weed” after the words “that the” and before the words “be removed”; and
 - (b) adding the words “cannabis plant” after the words “that the” and before the words “be removed”.
10. Subsection 12B (4) is amended by:
- (a) striking out the word “weed”
 - (i) after the words “of the” and before the word and comma “, shall”; and
 - (ii) after the words “which the” and before the word “was”; and
 - (b) adding the words “cannabis plant” after
 - (i) after the words “of the” and before the word and comma “, shall”; and
 - (ii) after the words “which the” and before the word “was”.

Done and passed in Council this _____ day of _____, 2018.

MAYOR

MUNICIPAL CLERK

ATTACHMENT 3
(Additional Amendments from Alternative 1 of Report)

HALIFAX REGIONAL MUNICIPALITY
BYLAW N-304
RESPECTING NUISANCES

BE IT RESOLVED by the Council of the Halifax Regional Municipality that By-law N-304 is adopted as set out in Attachment 2, with the following amendments:

1. Section 2 of the *Nuisance Bylaw* is further amended by:
 - (a) re-lettering the newly added clause 2(ba) as 2(bb); and
 - (b) adding clause (ba) after the repealed clause b and before the newly re-lettered clause (bb) as follows:
 - (ba) “cannabis” means cannabis as defined in the *Cannabis Act* (Canada);
2. Clause 2 (ka) of the *Nuisance Bylaw* is amended by:
 - (a) striking out the words and commas “tobacco, cannabis or another substance that is intended to be smoked or inhaled” after the word “heats” and before the semi-colon at the end of the clause; and
 - (b) adding the word “cannabis” after the word “heats” and before the semi-colon at the end of the clause.
3. Subsection 3A (2) of the *Nuisance Bylaw* is further amended by adding the words “for cannabis” after the word “area” and before the period at the end of the subsection.
4. Subsection 3A (3) is added after subsection 3A (2) and before section 3B as follows:
 - (3) The judge of the court trying a case may, in the absence of evidence to the contrary, infer that any substance in question is cannabis within the meaning of this Bylaw from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

Done and passed in Council this _____ day of _____, 2018.

MAYOR

MUNICIPAL CLERK

**ATTACHMENT 4
(Additional Amendments from Alternative 2 of Report)**

**HALIFAX REGIONAL MUNICIPALITY
BYLAW N-304
RESPECTING NUISANCES**

BE IT RESOLVED by the Council of the Halifax Regional Municipality that By-law N-304 is adopted as set out in Attachment 2, with the following amendments:

1. Section 2 of the *Nuisance Bylaw* is further amended by:
 - (c) re-lettering the newly added clause 2(ba) as 2(bb); and
 - (d) adding clause (ba) after the repealed clause b and before the newly re-lettered clause (bb) as follows:
 - (ba) “cannabis” means cannabis as defined in the *Cannabis Act* (Canada);
2. Clause 2 (ka) of the *Nuisance Bylaw* is amended by:
 - (c) striking out the words and commas “tobacco, cannabis or another substance that is intended to be smoked or inhaled” after the word “heats” and before the semi-colon at the end of the clause; and
 - (d) adding the word “cannabis” after the word “heats” and before the semi-colon at the end of the clause.
3. Subsection 3A (2) of the *Nuisance Bylaw* is further amended by adding the words “for cannabis” after the word “area” and before the period at the end of the subsection.
4. Subsections 3A (3) and 3A (4) are added after subsection 3A (2) and before section 3B as follows:
 - (3) The judge of the court trying a case may, in the absence of evidence to the contrary, infer that any substance in question is cannabis within the meaning of this Bylaw from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.
 - (4) Subsection 1 shall not apply to a person who:
 - (a) is entitled to possess cannabis pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*;
 - (b) has on their person the medical document; and
 - (c) on the demand of a peace officer, produces the medical document.

Done and passed in Council this _____ day of _____, 2018.

MAYOR

MUNICIPAL CLERK

ATTACHMENT 5



Public Health Services- Central Zone
7 Mellor Ave, Unit 5
Dartmouth, NS
B3B 0E8

August 16, 2018

Office of the Municipal Clerk
P.O. Box 1745
Halifax, NS
B3J 3A5

Dear Mayor Savage and HRM Councillors,

The Central Zone Regional Medical Officer of Health and NSHA Public Health would like to reinforce our statement of support for restricting cannabis and tobacco smoking on municipal property and recommend against removing tobacco smoking from By-law N-303 Respecting Nuisances.

Dr. Robert Strang, Nova Scotia's Chief Medical Officer of Health, has stated that "...policies that promote non-smoking as the social norm have been crucial in reducing smoking rates over the last 15 to 20 years." The Smoke-Free Places Act of 2002 was effective in contributing to the decline in smoking rates in Nova Scotia from 25.3% in 2002 to 17.8% in 2015¹.

Including tobacco smoke as part of the current by-law will expand smoke-free places even further and help us achieve our objectives of:

- Minimizing social exposure to tobacco and vape for children and youth
- Reducing the potential health risks of exposure to second-hand smoke; and
- Supporting current smokers who want to quit

To continue to decrease smoking rates in Nova Scotia and prevent youth from starting to smoke, we need to strengthen and advance smoke-free environments. Research shows reducing the visibility of smoking in public spaces supports lower tobacco usage by youth who typically try smoking by age 13ⁱⁱ, and reduces non-smokers' exposure to second-hand smoke. The tobacco industry is continuing to evolve and create new products that appeal to children and youth, such as e-cigarettes that can be used for vaping a variety of cannabis and tobacco products. This increases the complexity of the problem and makes it difficult to distinguish between these substances from an enforcement perspective. Restricting cannabis, tobacco and vaping together will make it easier to enforce and be more effective in making smoke-free spaces the social norm.

Halifax Regional Municipality has a history of strong leadership to support healthy public policy and tobacco reduction starting in 1997 when council approved its first by-law S-200 (Smoking By-law) restricting smoking in open

¹ Most current, verified published data on smoking rates in NS.

spaces in malls and lobbies. With an advisory committee, there was review of expanding the scope and in 2000, enacted amendments to By-law S-200 (Smoking By-law) which proposed that non-smoking areas be required in all restaurants, licensed premises, malls, and entertainment locations (generally consisting of at least 50% of the seating capacity). Smoking was also prohibited within five metres (16 feet) of the entrance of any public building. This was ahead of the provincial Smoke Free Places Act. In 2003, 2008, and 2009 there was expansion of the protection for Halifax residents and visitors of smoking in outdoor places and areas where children, youth and recreation intersect¹.

We understand how challenging this work can be and we want to help you succeed in strengthening healthy public policy for residents and visitors of HRM. Working together, we can reinforce our community's commitment to Canada's Tobacco Strategy which aims for less than five per cent tobacco use nationwide by 2035². We encourage Regional Council to continue to show leadership on this important health issue and maintain its original direction for amendments to By-Law N-303 as adopted on July 17, 2018. Together, these amendments show a clear commitment to the HRM Strategic Plan Priority Area of "Healthy, Liveable Communities" while also reducing nuisances such as odors and litter from tobacco or cannabis smoke in public spaces. We have included a health evidence report (attached), which includes key considerations for public health and recommendations with some supporting resources for your review.

Respectfully,

Original Signed

Original Signed

Trevor Arnason MSc, MD, CCFP, FRCPC
Regional Medical Officer of Health (Central Zone)
Adjunct, Department of Community Health and
Epidemiology, Dalhousie

Holly Gillis
Healthy Communities Manager
Public Health, Central Zone

Cc: John Traves, Legal, Municipal Clerk and External Affairs, travesj@halifax.ca
Brad Anguish, Director Parks and Recreation, anguishb@halifax.ca

¹ Propel Centre for Population Health Impact. Tobacco Use in Canada (Retrieved 08/10/2018 from <https://uwaterloo.ca/tobacco-use-canada/adult-tobacco-use/smoking-provinces/nova-scotia>).

² Health Canada. Summary of Results for the Canadian Student Tobacco, Alcohol and Drugs Survey 2016-17 (Retrieved 07/04/2018 from <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2016-2017-summary.html>).

³ Halifax Regional Municipality. Tobacco Usage Restrictions at Outdoor Recreation Facilities (Retrieved 08/10/2018 from <http://legacycontent.halifax.ca/council/agendas/documents/091006cow3.pdf>).

⁴ Government of Canada. Canada's Tobacco Strategy (retrieved 08/10/2018 from <https://www.canada.ca/en/health-canada/services/publications/healthy-living/canada-tobacco-strategy.html>).

ATTACHMENT 6



Health Evidence Report: Restricting Tobacco Smoke on Municipal Property

Issue:

On July 31, Halifax Regional Council voted in favour to request a staff report on amending the Nuisance By-law, N-303, to remove tobacco from the restrictions on smoking on municipal property as suggested in option three of the recommendations in the original staff report dated June 19, 2018.

The purpose of this report is to highlight key considerations based on current health evidence and recommendations that support the by-law amendments as adopted by Regional Council on July 19, 2018. NSHA Public Health-Central Zone would like Halifax Regional Council to reflect on the potential health impacts of removing tobacco smoke from the by-law before making a final decision.

Key Considerations:

Smoking as a threat to public health—Including tobacco smoke in this by-law will enhance ongoing efforts to decrease tobacco smoking which is a public health problem in Nova Scotia.

- Although smoking rates have declined significantly since 1999, Nova Scotia has the second highest provincial rate of smoking in Canada (17.8%), well above the national average (13%) (Reid JL, 2017).

Health risks associated with second-hand smoke – Approximately four out of five Nova Scotians (that's 82% of the population) do not smoke tobacco products but are exposed to tobacco via second-hand smoke and the potential negative health risks associated with it. Including tobacco smoke in the by-law will allow non-smokers greater access to smoke-free environments.

- The health impacts from the exposure to second-hand tobacco smoke have been well documented. Second-hand smoke contains the same 4000 chemicals as the smoke inhaled by a smoker, with over 70 of those chemicals having been shown to cause cancer. There is no safe level of exposure to second-hand smoke. Non-smokers exposed to second-hand smoke have an increased risk of developing lung cancer, heart disease and respiratory illnesses (Health Canada, 2011).

Impact of social exposure to tobacco smoke on children and youth – Restricting social exposure to smoking helps de-normalize smoking behavior and is important in preventing youth initiation of smoking.

- Research shows that social exposure to tobacco smoking can normalize smoking and cause non-smokers to start, especially youth. It can also make it harder for smokers to successfully quit (Muir, 2013).
- Research continues to emerge on the long term health impacts of vaping. To date, research confirms that e-cigarettes have the potential to:
 - Re-normalize cigarette smoking.
 - Delay or prevent attempts at smoking cessation.
 - Increase youth initiation.
 - Cause nicotine addiction for former smokers.
 - Expose non-users to toxins found in the aerosol (Erikson M, 2015).

- E-cigarette use among youth in Nova Scotia is higher than the national average. In 2017, 37% of Nova Scotia students in grades 7-12 reported trying e-cigarettes (23% nationally). 21% reported using e-cigarettes in the last 30 days (10% nationally), an increase from 8% in 2015 (Health Canada, 2018).

Effective public policy enforcement – If tobacco smoke is removed from the by-law, effective enforcement of cannabis smoking will be difficult.

- Aside from the fact that tobacco cigarettes and cannabis “joints” look similar, the tobacco and cannabis industries are increasingly investing in the development of vape products and it is becoming more difficult to distinguish between an e-cigarette used for tobacco and a cannabis vaporizer (Cox, 2015). Many vaporizers come with different attachments for vaping “e-liquids, waxes or oils and loose-leaf (or ‘dry herb’)” (Gartner, 2015).

Recommendations:

- The Regional Medical Officer of Health for Central Zone and NSHA Public Health Central Zone support the By-law N-303 as amended by Halifax Regional Council on July 19, 2018 and recommend **against** removing tobacco smoking from the by-law for the reasons stated above in this document.
- NSHA Public Health Central Zone will support Halifax Regional Council and staff in defining the designated smoking areas (DSAs) and monitoring the effect these areas have on public smoking and vaping with the goal of implementing a minimal number of spaces and reducing them over time. The implementation of designated smoking areas is not seen as best practice because it only partially prohibits smoking and it continues to allow for smoking to be seen as a social norm. DSAs should be reduced or eliminated long-term (Drope J, 2018).
- NSHA Public Health Central Zone will support the creation of a community coalition/advisory committee to apply a health equity lens on the implementation of the by-law including its enforcement to decrease negative health impacts and/or further marginalization of populations in which smoking is prevalent.

Submitted by:

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Public Policy and Social Action Consultant
Public Health, Central Zone



Emily Berrigan
Health Promoter
Public Health, Central Zone



Holly Gillis
Healthy Communities Manager
Public Health, Central Zone



Trevor Arnason
Regional Medical Officer of Health (Central Zone)



Date: August 16, 2018

References

- Cox, B. (2015). Can the Research Community Respond Adequately to the Health Risks of Vaping? *Society for the Study of Addiction*, 1708.
- Drope J, S. N. (2018). *The Tobacco Atlas*. Atlanta: American Cancer Society.
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- Health Canada. (2011, September 21). *Second-Hand Smoke*. Retrieved from Government of Canada: <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/tobacco-product-labelling/second-hand-smoke.html#a1>
- Health Canada. (2018, June 12). *Summary of Results for the Canadian Student Tobacco, Alcohol and Drugs Survey 2016-17*. Retrieved from Government of Canada: <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2016-2017-summary.html>
- Muir, R. F. (2013). *Protection from Outdoor Smoking*. Toronto: Ontario Tobacco Research Unit.
- Reid JL, H. D. (2017). *Tobacco Use In Canada: Patterns and Trends*. Waterloo: University of Waterloo.

TOBACCO USE CONTINUES TO BE THE LEADING PREVENTABLE CAUSE OF PREMATURE DEATH IN CANADA*

SMOKE-FREE SPACES

Reduce health risks associated with second-hand smoke

Denormalize smoking

Create a safe and supportive environment for those wanting to quit

There is no safe level of second-hand smoke

4000 chemicals in second-hand smoke*

70 of those are known to cause cancer*

Non-Smoking Nova Scotians regularly exposed to second-hand smoke

4.4%



at home+

14.9%



in a private vehicle and or public space +

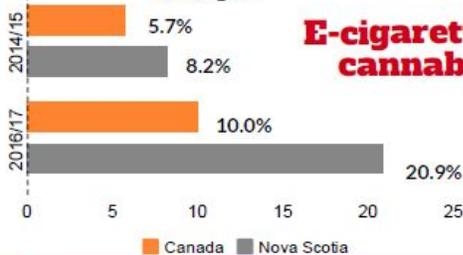
Policy and legislation has helped to decrease smoking rates in Nova Scotia by 11.1% since 1999. Nova Scotia has the second highest provincial smoking rate.**



1-The territories were not included in the study and for that reason are not pictured in this map of Canada.

Exposure to smoking affects children and youth by normalizing smoking.

Students (Grades 7-12) who reported e-cigarette use in past 30 days⁺⁺



E-cigarettes can contain cannabis or nicotine

13.6 Average age that youth try smoking⁺⁺⁺

29.7% of those in Grade 7-12 in Canada who consumed cannabis had used an e-cigarette to do so⁺⁺⁺

nova scotia health authority Created by Public Health Central Zone Healthy Communities 2018

Sources:

*Canada's Tobacco Strategy 2018. Government of Canada (Retrieved on 2018/08/21 from <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/healthy-living/canada-tobacco-strategy/overview-canada-tobacco-strategy-eng.pdf>)

*Carcinogens in Tobacco Smoke 2011. Government of Canada (Retrieved on 08/03/2018 from: <https://www.canada.ca/en/health-canada/services/publications/healthy-living/carcinogens-tobacco-smoke.html>)

+ Health Indicators, Annual Estimates, 2013-2014, Statistics Canada (Retrieved on 08/07/18 from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310045101&pickMembers%5B0%5D=1.12&pickMembers%5B1%5D=2.1&pickMembers%5B2%5D=3.1>)

++Summary of Results for the Canadian Student Tobacco, Alcohol and Drugs Survey 2016-17, Government of Canada (Retrieved on 07/05/2018 from <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2016-2017-summary.html>)

+++Tobacco Use in Canada: Patterns and Trends, 2017 Edition. Waterloo, ON: Propel Centre for Population Health Impact, University of Waterloo (Retrieved on 07/05/2018 from <https://uwaterloo.ca/tobacco-use-canada/tobacco-use-canada-patterns-and-trends>)

Canada's Tobacco Strategy

Reaching Less Than 5% Use by 2035

Tobacco use continues to be the leading preventable cause of premature death in Canada. While tobacco use has decreased, a significant number of Canadians still use tobacco and cigarette smoking kills **45,000 Canadians each year**. The total costs of tobacco use are more than \$16B per year. The Government of Canada has announced a target of less than 5% tobacco use by 2035 to reduce the staggering death and disease burden of tobacco use. Reaching this target will save millions of lives and billions of dollars.

The Government of Canada will continue its legislative and regulatory efforts to protect youth and non-smokers, including the enforcement of the recently enacted *Tobacco and Vaping Products Act*. But we also recognize that **more needs to be done**. Canada's Tobacco Strategy represents a shift towards a more comprehensive and integrated approach to addressing tobacco use.

The Strategy will feature broad, population-based approaches needed to achieve the ambitious target of 5% by 2035, and targeted approaches focussed on specific populations suffering from high levels of tobacco use. It recognizes the potential of harm reduction—helping those who can't or won't quit using nicotine to identify less harmful options—while continuing to protect young people and non-smokers from inducements to use nicotine and tobacco. It reinvests in research and surveillance, and will provide grants and contributions funding to support our partners in this national challenge. Budget 2018 announced **\$80.5M in new funding** for the Strategy to build on existing resources, bringing our total investment to approximately \$330M over the next five years.



What does "Less than 5% by 2035" mean?

Today, there are approximately 4.6 million Canadians (15%) using tobacco, of which approximately 3.9 million are cigarette smokers.

Based on population projections, reducing the rate of tobacco use to less than 5% means there would be fewer than 1.8 million Canadians using tobacco.

Cessation and Harm Reduction

Nicotine Replacement Therapy (i.e. gums, patches, and lozenges) and pharmaceuticals are currently available to help Canadians looking to quit.

Vaping is less harmful than smoking. Completely replacing cigarettes with a vaping product will significantly reduce a smoker's exposure to toxic and cancer-causing chemicals. Adults can access vaping products containing nicotine as a less harmful alternative to smoking.



Help Canadians Quit Tobacco

Cessation Support

Nicotine is a **powerfully addictive substance**. It is not easy to quit smoking and many Canadians are unable to do it on their own. We are committed to working with the provinces and territories to significantly revamp smoking cessation services across the country, to make it easier, faster and more appealing for smokers to access the support and tools they need in a way that best works for them.

Access to More Choice

Traditional cessation approaches are not the only tools available to help Canadians transition away from smoking cigarettes, the most deadly nicotine delivery system. A **harm reduction approach** aims to reduce the negative consequences of cigarette smoking by recognizing the potential benefits of using less harmful alternatives. The *Tobacco and Vaping Products Act* now provides adults with legal access to vaping products.



Helping Canadians Most at Risk

Certain groups of Canadians face smoking rates that are considerably higher than the general population and require more targeted action to ensure **no one is left behind** in Canada's efforts to reach less than 5% tobacco use by 2035. Health Canada, the Public Health Agency of Canada and Indigenous Services Canada will expand their reach to groups with higher rates of smoking through increased resources in tobacco programs.

Some Canadians Have Higher Smoking Rates

- The prevalence of smoking among **Indigenous peoples** is approximately 2 to 5 times higher than among non-Indigenous Canadians.
- **Young adult males** aged 20–24 report the highest prevalence of current cigarette smoking (22%) as compared to other age groups and higher than among females in the same age group (14%).
- Smoking prevalence is high among **LGBTQ+ persons**, with estimates suggesting tobacco use ranges between 24% and 45% across different groups.
- By **industry**, more than one-third of construction workers smoked in 2011 (34%), followed by mining and oil and gas extraction workers (29%) and transportation and warehousing workers (29%).

Recognizing the unique challenges of addressing commercial tobacco use by Indigenous peoples

Traditional tobacco plays a **sacred and ceremonial role** in certain First Nations communities; however, the rates of commercial tobacco use continue to be far more prevalent among Indigenous peoples than in the general population. The Government of Canada is working with national and regional Indigenous organizations to **co-develop distinct approaches** that would address high rates of commercial tobacco use, **while recognizing the unique circumstances** of Indigenous populations in Canada.



Protect Young People and Non-Tobacco Users

Tobacco and Vaping Product Deterrence

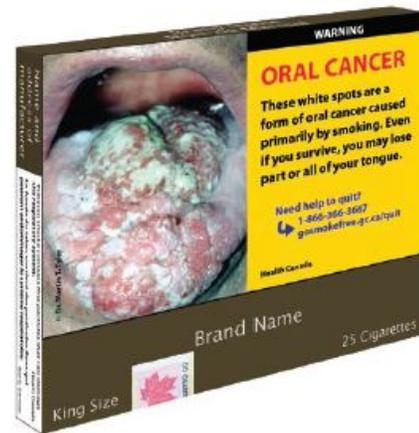
To protect Canada's youth, the Government of Canada will update and improve the effectiveness of **public education resources**, including developing a new marketing campaign to educate the most at-risk youth, young adults and their parents of the harms and risks associated with tobacco and vaping products and nicotine addiction.

Further Limiting the Appeal of Tobacco and Vaping Products for Youth and Non-Smokers

Canada is internationally recognized for its leadership and expertise in regulatory action to address smoking and tobacco use. The recently enacted *Tobacco and Vaping Products Act* will support the implementation of **plain packaging measures for tobacco products**. We will also explore potential options that could **further reduce the appeal and addictiveness** of tobacco, including taxation, price interventions, and the regulation of nicotine content.

Enforcing the Law and Combatting Contraband

Canada's enforcement tools will be updated to **stay ahead of changes in the marketplace**, such as e-commerce and the promotion of products online. The Government of Canada, in collaboration with the provinces and territories, First Nations, and international law enforcement partners, will continue to enforce the law and undertake independent research to better understand and assess Canada's evolving contraband tobacco market.



This image is an example used during the 2016 consultation on plain and standardized packaging. The Minister of Health is committed to completing the introduction of these measures and a regulatory proposal is currently under development.



Strengthen our Foundations in Science, Research and Surveillance

The Government of Canada is committed to informed decision-making on policy and programming. Canada's Tobacco Strategy is reinvesting in science and **building an evidence base** to underpin all of our actions.

In response to the evolving product landscape, we will increase efforts to further understand **how Canadians interact with emerging products**.

We will also explore **industry accountability**, including mechanisms through which the industry could make a direct contribution toward the costs of tobacco control and public health activities.



Collaborate to Drive Progress

Canada's Tobacco Strategy is the result of significant **consultations with partners, stakeholders and Canadians**.

Successful implementation of the Strategy depends on strong **collaboration and coordinated efforts**. The Government of Canada will continue to work with a number of partners, including the provinces and territories, national and regional Indigenous Organizations, municipalities, non-governmental organizations, community agencies, health care professionals, and the academic and private sectors.

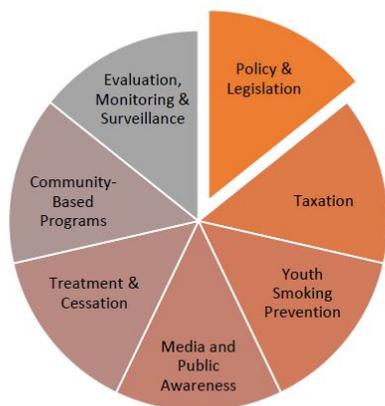
For more information, please contact Health Canada's Tobacco Control Directorate:

[www.canada.ca/en/health-canada/corporate/
contact-us/tobacco-control-programme.html](http://www.canada.ca/en/health-canada/corporate/contact-us/tobacco-control-programme.html)

ATTACHMENT 9



Key areas of influence for tobacco reduction:



Did you know?

- Reducing tobacco use requires a comprehensive approach.
- Policy & legislation is just one piece of the pie but can be very effective in helping to reduce tobacco use.
- Municipal by-laws have the ability to create healthier environments and decrease threats to public health by making the healthy choice the easier choice.
- Provincial and municipal policy change efforts have helped contribute to the approximate 11% reduction in smoking prevalence in Nova Scotia since 1999.

How can policy influence tobacco use?

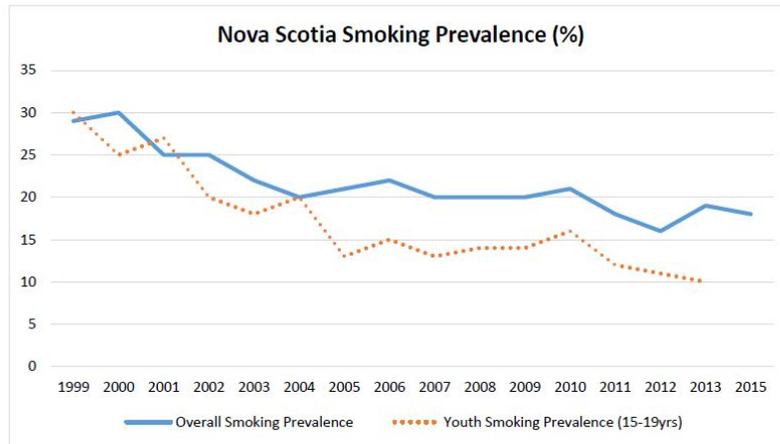
- Smoke-free by-laws and related policies are fundamental to a comprehensive tobacco reduction strategy.
- Creating smoke-free and clean-air environments protects people from tobacco smoke exposure and associated physical harms such as respiratory illness, cancer and cardiovascular disease. It also protects people from social exposure to tobacco smoke which is known to influence initiation of smoking for non-smokers and relapse for people who have quit smoking.
- Smoke-free policies help to denormalize smoking and contribute to safer environments, especially for vulnerable groups who are disproportionately exposed to smoke and may be unable to avoid the risks on their own.

Municipalities leading the way in smoke-free by-laws:

Kentville, Nova Scotia – Since 2010, the Town of Kentville has had a Smoke-Free Public Places by-law in effect, which includes streets and sidewalks.

Hampstead, Quebec – In March of 2018, the Town of Hampstead passed a by-law prohibiting smoking on all municipal property. This includes parks, streets and sidewalks. E-cigarettes are exempted from the by-law, but all other tobacco and cannabis products are included in the restrictions.

Wood Buffalo, Alberta – In July of 2018, the Regional Municipality of Wood Buffalo passed a by-law to prohibit all forms of smoking and vaping in public places. They have been declared a “Smoke-free Community” for their efforts to restrict smoking in preparation of cannabis legalization.



| Year | Overall NS Smoking Prevalence | Youth NS Smoking Prevalence (15-19yrs) |
|------|-------------------------------|--|
| 1999 | 29% | 30% |
| 2000 | 30% | 25% |
| 2001 | 25% | 27% |
| 2002 | 25% | 20% |
| 2003 | 22% | 18% |
| 2004 | 20% | 20% |
| 2005 | 21% | 13% |
| 2006 | 22% | 15% |
| 2007 | 20% | 13% |
| 2008 | 20% | 14% |
| 2009 | 20% | 14% |
| 2010 | 21% | 16% |
| 2011 | 18% | 12% |
| 2012 | 16% | 11% |
| 2013 | 19% | 10% |
| 2015 | 18% | -- |

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 Smoke-Free Ontario Scientific Advisory Committee, Ontario Agency for Health Protection and Promotion (Public Health Ontario). (2016). *Evidence to guide action: Comprehensive tobacco control in Ontario*. Toronto, ON: Queen's Printer for Ontario.

HRM Tobacco Reduction Public Policy Timeline



Provincial Actions:

- **2001** - Comprehensive Tobacco Control Strategy in effect, with strategic directions to reduce tobacco use.
- **2003** - Smoke-free Places Act (SFPA) in effect; prohibiting smoking in most enclosed public places with exception of separately ventilated and enclosed smoke rooms.
- **2006** - SFPA amended to require all indoor workplaces and public places be 100% smoke-free. Also prohibited smoking on outdoor patios within 4m of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces, and on school grounds.
- **2008** - SFPA amended to prohibit smoking in motor vehicles with children under the age of 19 present.
- **2014** - SFPA amended to include electronic cigarettes and waterpipes.
- **2018** - SFPA amended to include prohibiting smoking on or within 20m of playgrounds, publicly owned sport and recreation events or venues, within 9m of public trails, anywhere in provincial parks and on provincial beaches, except a rented campsite, and in vehicles used as part of one's job or work.



Prepared by NSHA Public Health Central Zone in August 2018