

July 6, 2007

Tobacco Control Regulations Consultation
Ministry of Health
1515 Blanshard Street
Victoria, British Columbia V8W 3C8

SUBJECT: BILL 10 PUBLIC CONSULTATION PROCESS

We would like to applaud the government for the introduction of Bill 10 and for allowing non-governmental organizations the ability to participate in the consultation process. Bill 10 and the eventual regulations that result from it will bring BC in line with many other provinces and territories that have already set a gold standard. Given that the province has a goal to be the healthiest jurisdiction ever to hold an Olympic Games, we encourage the government to go further than the regulations outline and re-establish BC's leadership position on tobacco control.

Our smoking prevalence rate, according to CTUMS, is the envy of other Canadian jurisdictions. Yet 16 people still die each day from tobacco use in BC, and over 600,000 people over the age of 15 are still using tobacco products. Only Ontario and Quebec have more smokers in their respective provinces. This is not acceptable. Clearly we should be doing more to make it harder for children, youth and young adults to start smoking and easier for those addicted to nicotine to quit, while protecting the public from second-hand smoke.

On behalf of the Heart and Stroke Foundation of B.C. & Yukon and the BC Lung Association, which make up the Clean Air Coalition of BC, we have attached to this correspondence our recommended amendments to the Bill as part of this consultation process. These recommendations are based on our own consultation process with our organizations' stakeholders. The issues discussed in the attached are in the order of your Regulatory Discussion Paper.

We would be pleased to discuss this issue with you further and encourage you to contact our Director, Mr. Jack Boomer at 250-721-4268 or jackboomer@shaw.ca.

Sincerely,



R.F. Bobbe Wood, MA
President & CEO
Heart and Stroke Foundation
of B.C. & Yukon



Scott McDonald
Executive Director
BC Lung Association

pc. Jack Boomer
Director, Clean Air Coalition of BC

attach. Heart and Stroke Foundation of B.C. Yukon & the BC Lung Association,
Bill 10 Consultation Process

Heart and Stroke Foundation of B.C. Yukon & the BC Lung Association Feedback on the Bill 10 Consultation Process

Restriction on places where tobacco can be sold

- The restriction should extend to any professional office building where 40% or more of the tenants are government or government paid (i.e. doctors, dentists) offices.
- The restriction, as applied under clause (b), should be extended to pharmacies.
- The restriction, as applied under clause (b), should extend to private universities and other private post-secondary institutions.

Prohibition on smoking in or near public places or workplaces

We recognize that the structure of this section of the legislation would be difficult to amend and thus we need to work within this boundary. We recognize that there will be a significant challenge in enforcement of the regulations. Our recommendations below take both these issues into account.

- Under *Proposed definitions*, instead of the figures identified for “fully or substantially enclosed”, we suggest that this be defined as a place where:
 - a) more than 5% of its total floor area is covered from above by a roof, canopy or other physical barrier that is capable of excluding rain; and
 - b) more than 5% of its perimeter is more than 25% enclosed by a physical barrier
- Further under *Proposed definitions*, the bullet point “fabric or awning” should read “fabric or awning, permanent or retractable”
- Under *Prescribed distance from doorways, windows or air intakes*, the minimum distance between outdoor smoking and a doorway, opening window or air intake be at least 7.5 metres. This is the distance noted by many experts in the field including Dr. James Repace, ventilation and air quality expert, the California Environmental Protection Agency, and the LEED Building Guidelines.
- Further under *Prescribed distance from doorways, windows or air intakes*, there should be no exemptions to the prescribed buffer zones. Whenever doors are opened and closed, there is a change in air pressure which will cause smoke to be drawn inside. Doors and other entranceways can easily be propped open during summer seasons which will defeat the purpose of having smoke-free indoor public places.
- We recommend that any business with a patio should be required to register it so that health authorities will have the ability to more easily monitor and enforce the legislation.

- We recommend that outdoor grandstands should be considered as a prescribed place. These areas may include sports facilities where children and youth are engaged in recreational activities or larger stadiums where amateur, semi-professional or professional sports teams are playing, or may include outdoor concert seating areas.
- Many hotels, such as the Marriott and Westin chains, are already 100% smoke-free, which is our preference. Barring that, under *proposed exemptions*, smoking in hotel rooms should only be permitted where a sufficient number of air exchanges are operating as prescribed by WorkSafe BC to ensure workers are adequately protected.
- We recommend that the residential facilities licensed under the Community Care and Assisted Living Act should not be exempted from the regulations.
- The prohibition of smoking should extend to any vehicle where any persons 16-years of age or under are present. The concentration of second-hand smoke in a small enclosed space is toxic. For BC to have a gold standard, the Ministry should to explore regulations similar to that of some US States and cities that protect children and youth in vehicles.

Retail displays

- All retail displays should be banned regardless of whether children or adults may view them. This is the gold standard in Canada and should be put implemented in BC.
- All signage should be created by the Ministry so that there is standardization in sizing and branding.
- Only Ministry-designed signs should be permitted in retail outlets to ensure consistency and to assist with monitoring and evaluation.

Administrative penalty system

- The proposed regulation, as outlined under your table, should contain the following standards:

Contravention	Penalty		
	First Contravention	Second Contravention	Third Contravention
Retail display contrary to the regulations (s. 2.4)	\$0-3000 fine and / or 30-90 day prohibition period	\$1000-4000 fine and /or 90-180 day prohibition period	\$4000-5000 fine and /or 1 year prohibition period