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Protection from Secondhand Smoke: Monitoring Update

What is the Issue?

There is no safe level of exposure to secondhand smoke. In addition to causing heart disease, cancer and premature death in nonsmoking adults, secondhand smoke also causes sudden infant death syndrome, asthma and ear infection in infants (USDHHS 2006).¹ Concentrations can be especially high in cars (Sendzik et al. 2008). Collishaw et al. (2009) found an association between secondhand smoke and breast cancer in pre-menopausal women who have never smoked. Health Canada specifically advises youth to avoid exposure to secondhand smoke.² A Toronto study shows an association between restaurant smoking bans and reduced hospital admissions for cardiovascular and respiratory conditions (Naiman et al. 2010).

KEY FINDING: Protection from secondhand smoke in Ontario is comparable to that of other Canadian jurisdictions, except for those with a complete ban on smoking on open patios.

Ontario

Effective May 31, 2006, the *Smoke-Free Ontario Act* forbids smoking in enclosed public places and workplaces including bars, casinos and common areas of multi-unit dwellings (Table 1). Smoking is not allowed on bar or restaurant patios that have a roof structure. Enclosed workplaces may have outdoor employee smoking shelters with no more than two walls and a roof. The *Smoke-Free Ontario Act* bans designated smoking rooms (DSRs) and designated smoking areas (DSAs). Exceptions are allowed for residents of residential care, psychiatric and veterans' facilities. Smoking is banned within 9 metres of a hospital entrance or exit. The *Smoke-Free Ontario Act* entitles home healthcare workers to request no smoking in clients' homes while providing healthcare. Traditional use of tobacco as part of Aboriginal spirituality is permitted. Effective January 21, 2009, Ontario banned smoking in vehicles with children under age 16, with a fine of up to \$250 for each offence. In 2010, 88% of Ontario adults agreed smoking should not be allowed in cars with children.³

¹ The California Air Resources Board has proposed identifying SHS as a toxic air contaminant:

<http://www.arb.ca.gov/regact/ets2006/app3exe.pdf>

² <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/youth-jeunes/second/index-eng.php>

³ 2010 CAMH Monitor Survey, analysis by OTRU

Protection from secondhand smoke in Ontario is comparable to that of other Canadian jurisdictions, except for those with a complete ban on smoking on open patios (Table 1). Ontario adults support further provisions: in 2011, 84% said smoking should be banned in multi-unit dwellings, 80% said parents should not be allowed to smoke at home when children are present, 57% said smoking should be banned on patios, 55% said smoking should be banned in parks and on beaches and 44% said smoking should be banned on sidewalks.⁴ Ottawa, Thunder Bay, Kingston and Brighton ban smoking on patios. A growing number of municipalities in Ontario (and other provinces) have adopted bylaws to ban smoking in specified outdoor locations such as children's playgrounds, municipal parks, beaches, sports fields, seating areas (e.g. stadiums), bus/transit stops, municipal pool/splash pad areas and certain named areas such as a local zoo.⁵ Many Ontario municipalities prohibit smoking within a specified distance of entrances/exits to municipal government buildings. (A majority of provinces have provincial legislation to prohibit smoking within a specified distance of all workplace and public place building entrances – see Table 1). OTRU (2011) has outlined how exposure to secondhand smoke at building entrances is a public health concern.

International Jurisdictions

International jurisdictions that ban smoking in cars with children include Arkansas, California, Louisiana, Maine, Puerto Rico, Mauritius, South Africa, and 7 of 8 Australian states/territories.⁶ In the U.S., as of April 1, 2012, there are 127 municipalities that ban smoking on all beaches or on specifically named beaches; Puerto Rico bans smoking on beaches, and Maine bans smoking on beaches in state parks.⁷ In the U.S., as of April 1, 2012, laws to ban smoking on restaurant and bar patios have been adopted by the states of Hawaii, Maine, Michigan, and Washington, by Puerto Rico, and by 74 municipalities.⁸ The *WHO Framework Convention on Tobacco Control* contains an obligation on countries that are Parties to provide for protection from secondhand smoke in indoor workplaces and public places, public transport and, as appropriate, other public places.⁹ Although many countries comply, the laws often allow for exceptions and are not enforced. The World Health Organization says only 5% of the world's population is adequately protected.¹⁰

⁴ 2011 CAMH Monitor Survey, analysis by OTRU

⁵ Non-Smokers' Rights Association, Compendium of Smoke-free Workplace and Public Place Bylaws, Spring 2012
http://www.nsra-adnf.ca/cms/index.cfm?group_id=1421

Non-Smokers' Rights Association, Scan of Bylaws/Ordinances and Legislation with Provisions that Exceed the Smoke-free Ontario Act, Spring 2012. https://www.nsra-adnf.ca/cms/file/files/Scan_Spring_2012_update.pdf

⁶ Government websites, Canadian Cancer Society

⁷ American Nonsmokers' Rights Foundation, Municipalities with Smokefree Beach Laws, Enacted as of April 1, 2012
<http://www.no-smoke.org/pdf/SmokefreeBeaches.pdf>

⁸ American Nonsmokers' Rights Foundation, Municipalities with Smokefree Outdoor Dining and Bar Patio Laws, Enacted as of April 1, 2012
<http://www.no-smoke.org/pdf/SmokefreeOutdoorDining.pdf>

⁹ *WHO Framework Convention on Tobacco Control*, 2005. http://www.who.int/tobacco/framework/WHO_FCTC_english.pdf

¹⁰ 2009 WHO Report on the Global Tobacco Epidemic: <http://www.who.int/tobacco/mpower/en/>

Table 1: Smoke-Free Legislation by Federal, Provincial and Territorial Jurisdiction, June 22, 2012

Jurisdiction ^a	Effective Dates	Complete Patio Ban ^b	Selected Provisions
FEDERAL	12/1989 06/1994 11/2007 06/2008		Regulations to 1988 <i>Non-smokers' Health Act</i> (amended 1989) banned smoking on Canadian carrier flights Sept 1994; no smoking in government workplaces, banks, federal prisons; no DSRs in federal workplaces Nov 2007; no smoking on prison property Jun 2008
Yukon	10/1994 05/2008	✓	No smoking in enclosed public places/workplaces, including school grounds, within 5 metres of enclosed workplace and public place entrances, cars with children under 18, May 15, 2008
Nunavut	05/2004		No smoking in enclosed workplaces (or within 3 m of entrances/exits) and all public places; no DSRs except for workers living in workplace; DSAs allowed in some mines
Manitoba	10/2004 07/2010		No smoking in enclosed public places/workplaces; no DSRs except residents of group living facilities, hotel rooms, tobacconist shops and Aboriginal cultural purposes; no smoking in cars with children under 16, Jul 15, 2010
New Brunswick	10/2004 01/2010		No smoking in enclosed public places/workplaces, including school grounds; no DSRs except for residents of group living facilities and hotel rooms; no smoking in cars with children under 16, Jan 1, 2010
Saskatchewan ^c	01/2005 05/2009 08/2010 10/2010		No smoking in provincial government workplaces/public places since 2005; no smoking in any enclosed workplace, no DSRs with exceptions, e.g., long-term care facilities, underground mines, May 31, 2009; no smoking on school grounds, Aug 15, 2010; no smoking within 3 metres of public place building entrances and no smoking in cars with children under 16, Oct 1, 2010
Newfoundland and Labrador	07/2005 07/2011	✓	No smoking in enclosed public places/workplaces; no DSAs; DSRs allowed in non-public workplaces and for residents of long-term care and psychiatric facilities, July 2005; DSRs disallowed in non-public workplaces, and no smoking in cars with children under 18, July 1, 2011.
Alberta	01/2006 01/2008	✓	No smoking in provincial government workplaces/enclosed public places; no smoking within 5 m of doorway/window of public place/workplace, no DSRs, Jan 1, 2008; no smoking in cars with children under 18 to come into force on proclamation
Prince Edward Island ^d	01/2006 07/2006 09/2009 01/2010		No smoking in enclosed public places/workplaces, including school grounds Jul 11, 2006; patio smoking restricted (allowed 10 pm-3 am), no DSRs public places/ workplaces (residents of long-term care and domestic violence shelters exempted), no DSAs on hospital grounds (patients of one psychiatric hospital exempted) and no smoking in cars with children under 19, Sep 15, 2009; 100% smoke-free restaurants and bars, Jan. 1, 2010.
ONTARIO	05/2006 01/2009		No smoking in enclosed public places/workplaces, including school grounds; no smoking within 9 m of entrance/exit to healthcare facility; patio smoking restricted; protection for home healthcare workers; no DSAs/DSRs except for hotel guests and residents of nursing homes, veterans' facilities, psychiatric hospitals; no smoking in cars with children under 16, Jan 21, 2009
Québec	05/2006 05/2008		No smoking in enclosed public places/workplaces, including school grounds; patio smoking restricted; no DSRs, May 31, 2008
Northwest Territories	09/2006		No smoking in enclosed public places/workplaces; patio smoking restricted; no DSRs except in mines, prisons, nursing homes and enclosed sites where workers live
Nova Scotia	12/2006 04/2008	✓	No smoking in enclosed public places/workplaces, including school grounds; no DSRs; within 4 metres of enclosed workplace and public place entrances, Dec 2006; no smoking in cars with children under 19, Apr 1, 2008
British Columbia	09/2007 03/2008 04/2009		No smoking on school grounds Sep 2007; no smoking in enclosed public places/ workplaces, within 3 m of public or workplace doorway or window, no DSRs Mar 2008; no smoking in cars with children under 16, Apr 7, 2009

DSA = Designated Smoking Area (unenclosed) as opposed to DSR = Designated Smoking Room (enclosed)

^aOrdered by first effective date; ^bRefers to restaurant and bar patios; ^cThe 2009 SK provisions were amendments to occupational health and safety regulations; ^dWith the 2009 PEI amendments fully in effect January 1, 2010, all 13 provinces and territories now have 100% smoke-free restaurants and bars with no DSRs

Sources: Government websites, Canadian Cancer Society [<http://www.cancer.ca>], Canadian Council for Tobacco Control [<http://www.cctc.ca>]

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