York Region No-Smoking By-law
#A-0285-2000-105

Best Practices for
No-Smoking By-law Implementation

Presented by Soo Wong
Oct 8, 2002
Consultation, Collaboration, and Training

Consult with:
- Legal, Building and By-law Departments
- Police and Fire Departments
- Corporate Communications Department
- Alcohol & Gaming Commission of Ontario
- Neighbouring Municipalities

Provide ongoing training of the By-law with Regional, Area Municipality Staff and Community Partners.
Enforcement

- Consult and collaborate with Police in the enforcement of the By-law and in providing the various training and inservice for enforcement staff.
- Develop the appropriate policies and protocols for the By-law enforcement staff (i.e. notebooks, vehicles, pager accessibility, uniforms, variable hours).
- Hire experienced law enforcement staff to enforce the By-law.
Enforcement

- Develop a computerized No-Smoking By-law database (i.e. recording monitoring and evaluating By-law information and complaints and for the monthly tracking of By-law enforcement data and distribution of educational/promotional materials).

- Establish a policy that permits the issuance of Declaration forms.

- Establish a policy that permits the issuance of Statement of Infraction.
Declaration Form

Identifies the type(s) of premise in operation.

For example in York Region, proprietors of Class “A” Public Places and Class “E” Public Places are encouraged to declare and sign the declaration form.

Proprietors that choose NOT to declare their operation will automatically be declared as a Class “A” Public Place.
A Statement of Infraction is issued if it is a first offence - proprietor is given 14 days to comply (subsequent visits or complaints may result in charges).

Encourages proprietor to comply with the By-law and identifies the area(s) of infraction.
Designated Smoking Room (DSR)
DO NOT HAVE DSRs!

If this is not an option, the following MUST be considered:

- Hire an experienced engineering firm or work in collaboration with the Area Municipality Building Department to review and approve DSRs (i.e. verify engineering stamp, review drawings, air balance reports and inspect ventilation systems).
Designated Smoking Room (DSR)

Ensure that there are at least two parts to the DSR approval process and outline a specified approval timeline. For example, in York Region the following has been implemented:

- **Part I: Confirmation of DSR Plan Compliance**
  - (DSR drawings approval process is 10 business days or earlier)

- **Part II: Operational Compliance of DSR**
  - (DSR air balance and on-site inspection approval process is 10 business days or earlier)
Designated Smoking Room (DSR)

Part I: Confirmation of DSR
Plan Compliance
Designated Smoking Room (DSR)

Part II: Operational Compliance of DSR
Designated Smoking Room (DSR)

- Employ a dedicated designated smoking room coordinator to develop, implement, review and monitor the DSR program/approval process. Ongoing review and monitoring of the DSR program/approval process is crucial.
- Develop a computerized DSR database (i.e. recording, monitoring and evaluating DSR information and data).
- Hold DSR information workshops for Regional and Area Municipal staff, proprietors, contractors/applicants and hospitality industry workers.
Designated Smoking Room (DSR)

Require all proprietors to submit an air balance report from an independent air balance specialist/contractor either semi-annually or quarterly (i.e. demonstrates due diligence and ensures ongoing maintenance of the DSR).

Require that all DSRs post the maximum occupancy load at the entrance of the room.

Prohibit patrons under the age of 19 years into the DSR.

Create appropriate DSR educational and promotional materials for proprietors, contractors/applicants and patrons.
Commit resources (dollars and staff) in the implementation and evaluation of the No-Smoking By-law.

Secure funds for the creation of a comprehensive public education (i.e. educational and promotional materials) and media campaign.
Economic Costs for Owners with a DSR

- Hiring of a Contractor/Engineer/Architect
  - for designing and building the DSR, installation of the ventilation system and independent air balance report
- Cost of building a DSR
  - range from $50,000 to $250,000
  - cost vary depending on materials, size of the DSR and occupancy load
- Cost of ongoing maintenance (independent air balance report)
## Costs for Building a DSR

<table>
<thead>
<tr>
<th>Size</th>
<th>Drawing</th>
<th>Building and Installation (vary depending on materials used)</th>
<th>Air Balance Report</th>
<th>Maintenance at 4 months period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small - 15 people or under</td>
<td>$5,000</td>
<td>$50,000</td>
<td>$1,000</td>
<td>$200</td>
</tr>
<tr>
<td>Medium - up to 45 people</td>
<td>$10,000</td>
<td>$100,000-$200,000</td>
<td>$2,000</td>
<td>$400</td>
</tr>
<tr>
<td>Large - 50 people or more</td>
<td>$15,000</td>
<td>$250,000 and up</td>
<td>$3,000</td>
<td>$600</td>
</tr>
</tbody>
</table>

*The Air Balance Report is Included in the Building & Installation Costs*
Annual DSR Costs to Health Services Dept.

- Administrative costs
  - 1 FTE DSR Co-ordinator, $40,000/year
  - 1 FTE Engineer, $70,000/year
- Printing educational/promotional materials
  - $40,000
- 4 days initial training for all staff
- Ongoing training to staff and area municipalities
- Preparation costs
- Ongoing inspection/monitoring of the DSR
- Ongoing response and staff time for handling DSR phone calls
**General Advice**

- Develop a region wide No-Smoking By-law and enforce it regionally.
- Establish only one implementation date for all public places.
- NO DSRs!!!
- Develop a comprehensive public education and media campaign
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