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LONDON'S PROPOSED BY-LAW ON SMOKING

By Ed Corrigan, Councillor Ward 7

A controversial subject presently before City Council is the Smoking Control By-law banning smoking in eating establishments and all public places. The Smoking By-law, as currently proposed, will affect private establishments including private clubs such as Army and Navy Clubs and the Legions. A political compromise in the original By-law passed in 1995 created two categories of dining establishments. Bars were those who derived more than 2/3 of their income from selling liquor. Restaurants have now complained that the ban on smoking for their businesses and not for bars created an uneven playing field and would favour bars which could allow smoking.

The problem is that many eating establishments are restaurants during the day and bars at night. It was argued that this rule would hurt restaurants that also were bars. The issue of determining what was a restaurant and a bar also created a legal loophole for a new establishment as there was no financial information to determine how much income was derived from food as compared to liquor sales until after at least a year in business. This lack of information exempted them from the Smoking By-law until the information was provided. A flurry of new establishments could be expected by those trying to get around the Smoking By-law. Political compromises that were negotiated seven years ago have created a flawed By-law that does not effectively address a serious health hazard.

I support a level playing field between restaurants and bars and would ban smoking in both. This approach eliminates the need for sales data and closes the loophole of creating a "new business" to circumvent the Smoking By-law.

In New York City a study showed an increase of 2.1% in sales where smoking was banned in restaurants and a 3.8% decline in food sales the rest of New York State where smoking was not banned. A study in Nova Scotia reported that a ban on smoking actually improved business for restaurants and bars. In Ottawa employment in the hospitality industry went up after a ban on smoking was implemented. There also was no increase in Ottawa restaurant bankruptcies despite claims that the ban would hurt business. One U.S. study reported a significant increase in hotel food business (36.9%) after the passage of a smoke-free ordinance!

Many studies show that the ban on smoking does not adversely effect restaurant sales and some show a significant improvement. Those customers who do not smoke may go back to eating in restaurants and the business situation should improve as the overwhelming majority of people do not smoke. Individuals who could not be exposed to smoke for reasons of health would be able to return to eating out. Banning smoking in all places of work will improve safety and reduce the presence of hazardous substances in the work environment along the lines of existing provincial WHIMIS legislation restricting exposure to hazardous substances in most work places.

People who work in bars and who are exposed to second hand smoke have a 50% higher risk of getting lung cancer. Some medical studies show a tripling of the risk of getting lung-cancer when individuals are exposed to second-hand smoke.

A smoking ban in public places would also save millions in annual health care and lost productivity costs. According to Health Canada smoking is the No. 1 preventable cause of death in Canada and second-hand smoking is the No. 3 preventable cause of death. In Ontario, direct healthcare and other economic costs of tobacco use is estimated at \$3.7 billion per year.

The Smoking By-law, in my view, also needs to be strengthened by instituting enforcement provisions against the owners and not just patrons who break the rules.

Concerns have been expressed about banning smoking in Bingo Halls. However, according to a recent report in the London Free Press, the Exeter Legion Bingo is set to go smoke free on July 4, 2002. It is hoped that players and volunteers who fled Bingo Halls due to the heavy exposure to second hand smoke will return to the charity revenue producing event. According to this news report, a ban on smoking has increased participation at smoke-free Bingos run by the Bayfield Lions.

According to studies 75% of adult Canadians do not smoke and according to one report 45% of people who do smoke want to quit smoking. Many smokers understand that exposing people, and especially children, to second-hand smoke is a serious health risk and have no problem in respecting the rights of others who do not want to be exposed to this risk. Only 25% of adults smoke and only tiny minority of smokers want to force other people to be exposed to their second-hand smoke. This is unreasonable when they can smoke outside and in privacy of their own homes and cars and not force their second-hand smoke on an innocent public.

Smoking has been banned in schools, the work place and in public buildings because it is a dangerous health hazard. It is time that restaurants and bars also follow suit. People can still choose to smoke but they should not put other people's health at risk.

Private clubs with membership provisions will not be exempt from the proposed Smoking By-law as they are public establishments and places of work. A ban on smoking in public places asks only that smokers refrain from smoking when they are inside those establishments. This approach makes sense in that it recognizes that smoking tobacco is legal but also prevents exposing others to an identified serious health risk.

I would like to hear your views on this topic and any other municipal concern. I can be reached at my City Hall office at 661-1558 or at home at 652-0973. My email address at City Hall is ecorriga@city.london.on.ca