



## Q&A

### New Smoking Regulations in Richmond (Public Health Protection Bylaw No. 6989)

#### **What's new in the City's Public Health Protection Bylaw No. 6989?**

As of May 1, 2018:

- No smoking at public parks and school grounds (e.g. beaches, trails, playgrounds, playing fields, golf courses, docks, piers, heritage sites, public recreation centres, arenas, swimming pools, City Hall plaza, and other City properties that are open to the public);
- No-smoking within 9 metres of transit shelters, transit signs, customer service areas (patios), doors, windows and air intakes (previously 3 metres for transit shelters and 6 metres for all other areas); and
- Updated definition of “smoking” includes cannabis (for clarity as previous definition included cannabis under “other weed or substance”) and vapour products such as e-cigarettes.

#### **Why did the City change the bylaw?**

On September 1, 2016, BC's *Tobacco and Vapour Products Control Act* came into effect, which treats vapour products the same as tobacco products.

To update the City's bylaw, staff looked at smoking regulations in other Metro Vancouver jurisdictions, and considered the recommendations of Vancouver Coastal Health, the Canadian Cancer Society (BC & Yukon), the Heart and Stroke Foundation of Canada (BC & Yukon), and the British Columbia Lung Association. The City's previous bylaw was no longer sufficient to provide the level of public health protection recommended by health authorities.

#### **Why are the new regulations coming into effect so soon?**

Last year, cigarettes were one of the leading causes of fire in Richmond. Between July 1-25, 2017, fire crews responded to 55 blazes caused by carelessly discarded cigarettes and smoking-related materials such as matches, lighters, and pipes. The new smoking regulations come into effect on May 1, 2018 to allow the public some time to adjust to the new regulations before the summer starts.

Although the City's previous bylaw already included cannabis in its smoking prohibition, the anticipated legalization of cannabis on July 1 by the federal government may contribute to increased smoking (and vaping) of all types in outdoor public spaces. This increases the risk to the public of involuntary exposure to second-hand smoke. The new smoking regulations serve as a tool that the City can use to protect public health and prevent environmental and fire hazards.

#### **What do the definitions of “public parks” and “school grounds” include?**

“Public parks” includes any public park, boulevard, greenway, playground, path, trail, beach, golf course, playing field, swimming pool, arena, recreation centre, sports court, dock, pier, heritage site, or other City properties that are open to the public such as City Hall plaza.

“School grounds” includes any school park, playground, path, trail, sport court, playing field, building, or other Richmond School District property. Smoking and vaping on school grounds is also prohibited under provincial legislation and Richmond School District policy.

#### **What does the definition of “smoking” include?**

“Smoking” includes a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco, cannabis or other weed or substance, or an activated e-cigarette, which is a product or device that is capable of vapourizing a solid, liquid or gas for inhalation or release into the air.

**Why is smoking a public health concern?**

Smoking is a known risk factor for a number of serious health conditions such as cancer, cardiovascular disease, chronic respiratory conditions and dental decay. It is the leading cause of preventable disease and illness in British Columbia, and is associated with more than 6,000 deaths in the province each year.

According to health authorities, there is no safe level of exposure to second-hand smoke, even in outdoor settings. Although it varies from situation to situation, research indicates that the fine particulate matter in second-hand smoke can still be detected as far as 9 metres from a burning cigarette. Second-hand smoke contains more than 4,000 chemicals – 70 of which are known to cause cancer.

**Why are vapour products banned?**

The use of vapour products such as e-cigarettes has been identified by health authorities as a public health concern due to unregulated ingredients and the potential health impact of vapour on users and bystanders. Research indicates that the aerosol produced by vapour products typically contain some carcinogenic compounds and other toxicants (potentially in levels as high as those found in cigarette smoke), and that the size of particulates produced is similar to those of conventional cigarettes. Health Canada, the World Health Organization and the U.S. Federal Drug Administration have issued warnings against e-cigarette use, particularly by adolescents and pregnant women.

**Where can I smoke?**

Individuals may smoke on public sidewalks, provided they are:

- Not on health authority or school property (BC's *Tobacco and Vapour Products Control Act*);
- Not in a public park (includes beaches, trails, playgrounds, playing fields, golf courses, docks, piers, heritage sites, public recreation centres, arenas, swimming pools, City Hall plaza, etc.);
- Not within 25 metres of a playground or outdoor sport facility; and
- Not within 9 metres of a transit shelter, transit sign, customer service area (patio), door, window or air intake.

For private property (residential, non-workplaces or spaces not open to the public), please consult the owners, operators or managers of such spaces to find out if smoking is permitted.

**Are the new regulations a way for the City to increase its revenue from smoking fines?**

No. The City's focus for enforcement of its smoking regulations has been, and will continue to be, on public education, signage and voluntary compliance. This practice is consistent with the approach taken by other municipalities in British Columbia, including those that have implemented similar regulations for smoke and vape-free outdoor public spaces.

**What is the point of the new smoking regulations if the City doesn't aggressively enforce it?**

The City will continue to respond to public complaints regarding smoking violations. Individuals caught smoking or engaging in vapour product use on a repeated basis, or in a harmful or risky manner may be issued a fine.

The goal of the new smoking regulations is long-term community adoption to promote public health and to prevent environmental and fire hazards. Punitive actions such as fines will be used where necessary.



**Have the smoking fines increased?**

No changes have been made to the smoking fines.

*Excerpt from Schedule B 9 of the Municipal Ticket Information Authorization Bylaw No. 7321*

Public Health Protection Bylaw No. 6989		
Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Smoking where prohibited – First offence	6.1.1, 6.3.1	\$150
Smoking where prohibited – Second offence	6.1.1, 6.3.1	\$500
Smoking where prohibited – Third or subsequent offence	6.1.1, 6.3.1	\$1,000
Permitting or allowing smoking	6.1.2	\$1,000
Failure to post no smoking sign	6.1.2	\$1,000
Deficient no smoking sign	6.2	\$1,000
Person removing or destroying required sign	6.2.5	\$200

**Who is responsible for updating smoking signs?**

Businesses and organization (including individuals who own, control or manage such premises, customer service areas, taxis, or buildings) will continue to be responsible for posting and maintaining signs notifying the public of the smoking and vaping regulations that apply to their premises. The City will issue warnings before issuing signage-related citations in order to allow organizations sufficient time to update their signs.

Sign templates with the updated no-smoking buffer (9 metres) can be found at [www.bc.lung.ca/support-services](http://www.bc.lung.ca/support-services).

Sign templates are also available to City staff on REDMS – 5818523 (Smoke-Free Environment) and 5818524 (No-Smoking within 9 Metres).

**Whom do I contact to report a smoking violation?**

For violations by businesses or organizations:

- Richmond Environmental Health (Vancouver Coastal Health):
  - 604-233-3147 (Mon to Fri, 8:00 am to 4:30 pm)

For violations by individuals:

- Community Bylaws:
  - 604-276-4345 (Mon to Fri, 8:15 am to 5:00 pm)
  - [bylawrequest@richmond.ca](mailto:bylawrequest@richmond.ca) (Mon to Sun, 7:00 am to 9:00 pm to request a bylaw officer).
- RCMP (to report behaviour or activities that pose a potential danger to the public):
  - Non-emergency: 604-278-1212
  - Emergency only: 911

**Where do I go to find tools to quit smoking?**

Support for British Columbia residents who want to quit smoking is provided 24 hours a day, free-of-charge through QuitNow. Call 1-877-455-2233 or visit [www.quitnow.ca](http://www.quitnow.ca) to learn more.



**Smoking Regulations at a Glance: Previous vs. New**

	Previous Public Health Protection Bylaw No. 6989	New (May 1, 2018) Public Health Protection Bylaw No. 6989
Smoking Regulations		
Smoking definition	Smoking includes: <ul style="list-style-type: none"> <li>• Tobacco</li> <li>• Cannabis (included as other weed/substance)</li> <li>• Other weed or substance</li> </ul>	Smoking includes: <ul style="list-style-type: none"> <li>• Tobacco</li> <li>• Cannabis (specific reference added for clarity)</li> <li>• Other weed or substance</li> <li>• Vapour products (e-cigarettes)</li> </ul>
Vapour products definition (e-cigarettes)	N/A	Vapour product (e-cigarettes) includes: <ul style="list-style-type: none"> <li>• Solid, liquid or gas of any sort (regardless of whether it is a controlled substance or not)</li> </ul>
Transit/taxi shelter	No smoking within 3 m	Increases no-smoking buffer to 9 m
Transit/taxi sign	No smoking within 6 m	Increases no-smoking buffer to 9 m
Door, window, air intake or opening	No smoking within 6 m	Increases no-smoking buffer to 9 m
Customer service area (patios)	No smoking within 6 m	Increases no-smoking buffer to 9 m
Other areas	No smoking in a: <ul style="list-style-type: none"> <li>• Building except for:               <ul style="list-style-type: none"> <li>○ Dwelling/residential unit</li> <li>○ Designated smoking hotel room</li> <li>○ Enclosed premise that is not open to the public or where the only occupants are the owners</li> </ul> </li> <li>• Taxi or tow truck</li> <li>• Vehicle with a person &lt; 19</li> </ul>	No change
Parks	No smoking: <ul style="list-style-type: none"> <li>• within 25 m of playgrounds and outdoor sport facilities</li> </ul>	No smoking: <ul style="list-style-type: none"> <li>• within 25 m of playgrounds and outdoor sport facilities</li> <li>• in public parks (includes beaches, trails, piers, public recreation buildings, golf courses, etc.)</li> </ul>
School grounds	N/A  School grounds already covered by: <ul style="list-style-type: none"> <li>• BC's <i>Tobacco and Vapour Products Control Act</i> (smoking and vaping )</li> <li>• Richmond School District's <i>Policy 400-R5</i> (smoking)</li> </ul>	<ul style="list-style-type: none"> <li>• No smoking</li> <li>• No vapour product use</li> </ul> Added for clarity (duplication) as this is already covered under provincial legislation and Richmond School District policy
Signage		
No-smoking sign (who is responsible for displaying the sign)	Person who owns, controls, manages or supervises a business, building, common area, place of public assembly, or taxi	No change
Sign production	Produced by individuals and organizations at their own cost, using templates provided by the British Columbia Lung Association	No change  Updated sign templates at <a href="http://www.bc.lung.ca/support-services">www.bc.lung.ca/support-services</a>



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**New Smoking Regulations in Richmond (Public Health Protection Bylaw No. 6989)**

	Previous	New (May 1, 2018)
<b>Municipal Ticket Information Authorization Bylaw No. 7321 (Schedule B 9)</b>		
<b>Fines</b>		
Smoking where prohibited	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offence: \$150</li> <li>• 2<sup>nd</sup> offence: \$500</li> <li>• 3<sup>rd</sup> or more offence: \$1,000</li> </ul>	No change
Permitting or allowing smoking	\$1,000	No change
No-smoking sign	<ul style="list-style-type: none"> <li>• Failure to display: \$1,000</li> <li>• Deficient sign: \$1,000</li> <li>• Removing or destroying sign: \$200</li> </ul>	No change

For more information, visit [www.richmond.ca/cityhall/bylaws](http://www.richmond.ca/cityhall/bylaws).