

Hantsport's Leading Edge Bylaw

A Case Study from Nova Scotia

Good things come in small packages. Such is the case in Hantsport, Nova Scotia: a rural town and seaport of just over 1,000 people situated on the Avon River in western Hants County. With a town motto of “The Haven of Hospitality,” Hantsport has a history of social innovation. In 2008 Hantsport distinguished itself by becoming the first municipality in Nova Scotia to offer free wireless high speed internet service for the community. Unfortunately, the town has suffered economically in recent years with the closures of Fundy Gypsum Company and a pulp and paper mill.

Prior to 2013, Hantsport did not have a municipal smoke-free bylaw, instead relying on provincial legislation for protection from second-hand smoke (SHS). However, except for a couple of notable exceptions, the *Smoke-free Places Act* does not prohibit smoking outdoors, and this is precisely where smoking was becoming an issue for some residents of the town. Hantsport has a long and proud tradition of adult baseball in its community dating back to the 1930s, and the Shamrocks never fail to draw a large crowd when they play at home. With people smoking in the bleachers around other spectators as well as children, some residents were feeling a disconnect that needed to be addressed.

Smoke Free Kings (SFK), a volunteer organization committed to reducing harm related to tobacco use and exposure to SHS, had received some complaints from Hantsport residents about their exposure to SHS at the baseball diamond. In keeping with the national smoke-free trend, SFK was keen to see smoking prohibited at the town's other outdoor recreational facilities including the playground and splash pad, basketball and tennis courts, soccer fields and outdoor swimming pool and skating rink. Recognizing the opportunity to make a positive change for the health of the community, SFK decided to collaborate with the Canadian Cancer Society (CCS) to advocate for an outdoor smoke-free bylaw for Hantsport. With support from the CCS, the Annapolis Valley District Health Authority and a small handful of committed volunteers, work thus began on what would become not only one of Nova Scotia's most comprehensive outdoor smoke-free bylaws, but also one of Canada's.

Bylaw No. 62: Numerous leading edge elements

The Non-Smokers' Rights Association has identified a list of leading edge bylaw elements—provisions that set a bylaw apart from most others in Canada.ⁱ Hantsport's Bylaw No. 62, *Protection from Second-Hand Smoke*, prohibits smoking in a variety of outdoor public places, and has 5 leading edge elements:

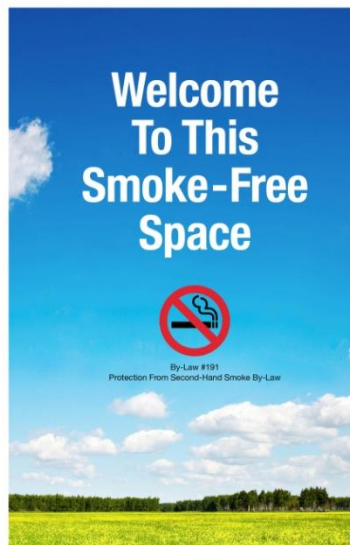
- A broad definition of smoking that includes, in addition to tobacco, electronic cigarettes as well as other weeds or substances;
- A prohibition on smoking (on town property) at festivals, markets, concerts and on parade routes while the parade is in progress;
- A prohibition on smoking at and within 4 m of any bus stop;
- A prohibition on smoking on recreational trails; and
- A prohibition on smoking on a street within a school area designated under the Motor Vehicle Act, except within an enclosed motor vehicle.ⁱⁱ

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Hantsport's definition of smoke or smoking is "to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, or other lighted smoking implement designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions, but does not include using or having control over nicotine replacement products approved for use by Health Canada."ⁱⁱⁱ Hantsport is the first municipality in Canada to pass a bylaw that prohibits the use of e-cigarettes in outdoor public places where conventional smoking is also banned.

Although the phenomenon of e-cigarettes and waterpipe (hookah) smoking had not yet hit the Town of Hantsport, the community wanted to be proactive with a bylaw that would withstand the test of time and would not need to be amended shortly after being passed. Smoke Free Kings found champions in Hantsport's mayor and town councillors, who were health-conscious and understood that the benefits of a smoke-free bylaw extend beyond protection from SHS to also include youth prevention and smoking cessation. They recognized that e-cigarettes and waterpipe smoking had the potential to renormalize smoking in their community.

Two public hearings were held to give residents an opportunity to share their views on the proposed bylaw. Town Council was also interested to know about what measures had been taken in other Nova Scotia communities, particularly Bridgewater, which is considered to have the province's gold standard bylaw. Consultations preceded a very smooth bylaw adoption with no opposition. In keeping with the experience of other municipalities, Hantsport is confident that its bylaw will be largely self-enforcing, and ample signage consistent with provincial messaging will help to maximize community compliance.



In a Canadian Cancer Society press release, Kelly Cull, Manager of Government and Partner Relations, stated, "This by-law demonstrates Hantsport's commitment to a healthier community. The mayor and council demonstrated considerable leadership and progressive thinking on this issue, and enacted a strong by-law that will protect all citizens from the hazards of second hand smoke."^{iv}

Despite economic hardship, there is a lot of town pride in Hantsport. Its bylaw is just one example of many that the town remains a great place to live, and that good things do indeed come in small packages.

For more information about this bylaw, visit the Non-Smokers' Rights Association's online database of smoke-free laws at <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>.

ⁱNon-Smokers' Rights Association. "Leading Edge" Elements of Laws and Bylaws. http://www.nsra-adnf.ca/cms/file/files/Leading_Edge_Elements-FINAL.pdf.

ⁱⁱ This measure is not currently possible in Ontario, as municipalities do not have the jurisdiction to prohibit smoking on streets and sidewalks.

ⁱⁱⁱ Town of Hantsport. *Bylaw No. 62, The Protection from Second-Hand Smoke Bylaw*. <http://www.nsra-adnf.ca/cms/sfl-database-search.html>.

^{iv} Canadian Cancer Society. *Hantsport enacts smoke free outdoor spaces bylaw*. 7 November 2013. <http://www.cancer.ca/en/about-us/for-media/media-releases/nova-scotia/2013/hantsport-enacts-smoke-free-outdoor-spaces-by-law/?region=ns>.