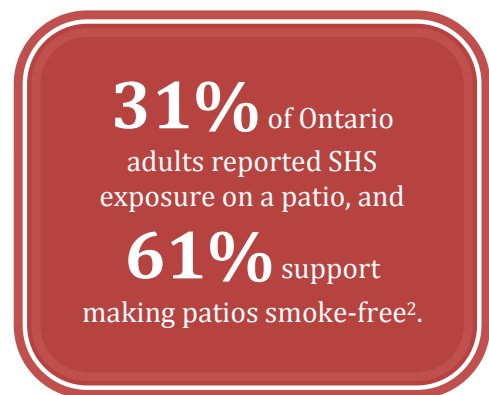


Kingston's Leading Edge Bylaw: A Case Study

Kingston, situated roughly halfway between Toronto and Montreal on the shore of Lake Ontario, is one of the oldest communities in Canada dating back to 1673. Steeped in history yet focused on the future, Kingston boasts world-class post-secondary institutions and among other things, a thriving downtown core bustling with shops, restaurants & cafés.

Smoke-free patios

Although not considered leading edge policy by national standards, 100% smoke-free patios are still somewhat rare in Ontario, with only 9 municipal bylaws prohibiting smoking outdoors at bars and restaurants.¹ Kingston was the first to do it in 2003, a full 3 years before the *Smoke-Free Ontario Act* ever ridded smoking from enclosed workplaces and public places! At the time, Kingston was concerned about maintaining a level playing field for all businesses that were going to become smoke-free under the bylaw; inclusion of patios meant that bars and restaurants with them wouldn't be at an unfair advantage. Today, 11 years later, the science on outdoor SHS indicates that employees and patrons can be exposed to elevated SHS levels and that under certain circumstances, concentrations can rival indoor measurements.³



Dave McWilliam, Manager-Tobacco Prevention, Chronic Disease and Injury Prevention at Kingston, Frontenac and Lennox & Addington (KFL&A) Public Health, emphasizes that health has always been at the forefront of the bylaw—not enforcement. As such, it was important for the public health unit to maximize public awareness and to educate the citizenry to ensure support for, and compliance with, the bylaw. Good media coverage during the deliberations helped, as did paid radio and print advertising. An integral part of the communication strategy was messaging that focused on the protection of employees in the hospitality sector. Recognized as innovative, one of KFL&A's posters was published in the journal *Tobacco Control*.⁴ Prior to implementation, KFL&A staff went into the community to help educate managers and proprietors about the bylaw and what they needed to do to be in compliance. High quality adhesive signs were distributed, along with brochures entitled, "*Welcome to Smoke-Free Kingston: A Guide to the City of Kingston's Smoke-Free By-law.*"

To ensure a smooth transition, public health officials made themselves quite visible in the community for the first few weeks post-implementation. Specially designed overtime evening work was arranged for public health inspectors and other staff, but this initiative was not needed when it became evident that no real problems were emerging. There were very few charges laid, and the public health unit quickly published them as was, and continues to be, standard practice for the organization. The public health unit considers publishing charges as a way to keep the enforcement process as transparent as possible, and has found over the years that it helps to enhance compliance.

In keeping with evolving social norms and public demand for more smoke-free outdoor spaces, the bylaw was amended in 2012 to include all municipal parks, trails, playing fields, sports fields, swimming pools, beaches and playgrounds, seating areas of stadiums, within 9 m of entrances to municipal buildings, within 3 m of all buildings accessible to the public, and within 9 m of bus transfer stops and stations. 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.⁵ Kingston's bylaw has 4 leading edge elements:

- Smoke-free beaches
- Smoke-free trails
- Smoke-free buffer zones around all public buildings (includes multi-unit dwellings)
- Smoke-free buffer zones around bus transfer stops and stations.

Signage to promote compliance with the 3 m buffer zone around public buildings is shown on the right. Thanks to the generality of the wording, the sign is also used to support KFL&A's policy work regarding other smoke-free spaces. Landlords and property managers of smaller buildings and houses (not considered "public" under the bylaw) can still request and post this sign on their own properties.

Consistent with the experience in other Ontario jurisdictions,⁶ the implementation, promotion, and enforcement of Kingston's outdoor smoke-free bylaw has not created a significant burden on enforcement staff. Kingston's businesses continue to thrive, with tourists and locals alike enjoying all that the City has to offer, including smoke-free patios!



¹ Non-Smokers' Rights Association. *Smoke-Free Laws Database*. <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>.

² Ontario Tobacco Research Unit. *OTRU Update: Protection for Outdoor Smoking*. July 2013. http://otru.org/wp-content/uploads/2013/08/update_july2013.pdf.

³ Licht AS et al. Secondhand smoke exposure levels in outdoor hospitality venues: a qualitative and quantitative review of the research literature. *Tobacco Control* 2013; 22(3):172-9.

⁴ Scollo M, Lal A, Hyland A et al. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control* 2003; 12:13-20. <http://tobaccocontrol.bmj.com/content/12/1/13.full.pdf+html>.

⁵ Non-Smokers' Rights Association. *Leading Edge Elements of Laws and Bylaws*. February 2014. http://www.nsra-adnf.ca/cms/file/files/Leading_Edge_Elements-FINAL.pdf.

⁶ Kennedy RD et al. Reported municipal costs from outdoor smokefree by-laws-experience from Ontario, Canada. *Tobacco Induced Diseases* 2014; 12:4. <http://www.biomedcentral.com/content/pdf/1617-9625-12-4.pdf>.