



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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[The committee met at 14:00.]

Bill No. 133 — *The Tobacco Control Amendment Act, 2009*

The Chair: — Good afternoon, ladies and gentlemen. The Human Services Committee is getting together here today to consider Bill No. 133, *The Tobacco Control Amendment Act, 2009*.

The Human Services Committee consists of our two sitting members, Mr. Cam Broten and Ms. Judy Junor; on the Chair, Greg Ottenbreit; and on the government side, we have Mr. Serge LeClerc, Ms. Doreen Eagles, Mr. Glen Hart, and substituting for Ms. Joceline Schriemer is Mr. Randy Weekes. I'd like to welcome them all to the committee meeting.

Last week, on March 23rd, the Assembly referred Bill No. 133, *The Tobacco Control Amendment Act, 2009* to our committee. This is what we will now be considering, Bill No. 133, clause 1, short title.

Clause 1

The Chair: — By practice the committee normally holds a general debate during the consideration of each clause. Before we begin questions, Mr. Minister, would you please introduce your officials to the committee if you like and make an opening statement.

Hon. Mr. McMorris: — Thank you very much, Mr. Chair. Good afternoon, everyone. I am pleased to appear before the committee today for the discussion around Bill 133, *An Act to amend The Tobacco Control Act*.

Please allow me to introduce my ministry officials that are present here today. On my right is Lauren Donnelly, assistant deputy minister. To my left is Tami Denomie, the director of health promotion, population health branch. And over my right shoulder is Allan Laird, the legislative policy analyst, policy and planning branch from the ministry. And they'll be here to help answer any of the questions you may have as we go through the Bill and the amendments that are also going to be introduced.

As you know, the amendments to *The Tobacco Control Act* were finalized and introduced in the Legislative Assembly on December 2nd, 2009, and obtained second reading on March 23rd, 2010. Special attention was given to ensure consultation occurred with those impacted by the legislative changes. I would like to thank our stakeholders, as some are here today, for sharing their comments and suggestions. We appreciate your support and continued efforts to work collaboratively to reduce tobacco use in Saskatchewan.

The amendments to *The Tobacco Control Act* were created to address the gaps that were identified in the Act. As a result of consultation, stakeholders suggested that all tobacco use be prohibited on school grounds. We recognize this is a valid concern. Therefore I would like to recommend that we revise the provision regarding school grounds to introduce all tobacco use rather than smoking only.

The goal of tobacco reduction in Saskatchewan is a marathon and not a sprint, and we will continue consultations as we move forward. We expect more feedback which will be taken into consideration as we continue to work on a comprehensive tobacco strategy in Saskatchewan. Legislation is but one component of a comprehensive provincial tobacco regulation strategy. Our strategy has three goals: tobacco use prevention, protection, and cessation. Stakeholders have been closely involved in the development of this strategy. An action plan is currently in place, and various stakeholders are involved in implementation teams. Once again I would like to thank all the stakeholders for their continued involvement, investment, and input.

Today we are pleased to be here for the final review of *The Tobacco Control Act* amendments. The next step with respect to Bill 133 is to develop regulations and enforcement procedures to support the amendments. Consultation with stakeholders will continue until the regulations are presented to the legislature and regulation review committee.

We remain committed to reducing tobacco use in this province. We believe the amendments to *The Tobacco Control Act* will have a significant impact in protecting Saskatchewan residents from the harm of tobacco smoke and reduce the use of tobacco, most notably among our province's young people.

Those are my remarks, and I'd be glad to field any questions.

The Chair: — Thank you, Mr. Minister, and welcome to you and your officials to committee today. We'll now open the floor for questions. Mr. Broten.

Mr. Broten: — Thank you, Mr. Chair. I'd like to thank the minister for being here today with his officials and thank also the guests that are in the gallery at the back who have come today to observe our discussion about Bill 133.

Clearly on the issue of tobacco use, it's a very important one for all Saskatchewan people, and I would agree with the minister that, if there are steps that we can take as a province to have healthier populations in the immediate and long term, that of course is a positive thing.

I will state, without speaking . . . before I dive into or speak more directly to Bill 133, it is interesting — the process around this, whether it's Bill 133 or other pieces of legislation — on speaking on behalf of the opposition, when we go with pieces of legislation where there doesn't appear to be a great deal of urgency and then suddenly the legislation can't be handled with soon enough . . . It's a bit odd, and I know it causes some of us to wonder about the process around how the legislation is moved forward through the committee process.

That being said, the merit of this Bill and these changes, of course, we'll get into in our discussion, but I think we certainly can agree that there is good reason for many of the changes that are brought forward in Bill No. 133. So with that initial comment, I will hand it over to my colleague, Ms. Junor, for any remarks she may wish to make.

The Chair: — Ms. Junor.

Ms. Junor: — Thank you. And welcome too, to the minister and his officials and also to the various stakeholders who have made a point of coming here today.

I do want to say, and I did say this in my remarks in the House before the Bill was referred to this committee, that I had been involved in this effort to have tobacco control in this province since 1999 — December of '99 actually, when I was a very new member of the legislature — and moved a motion to form the all-party committee that travelled the province and ended up advising us as government how to put this Act in place, the initial Act.

And there were things at that time that couldn't be done because the population wasn't ready for the whole thing at one time. And so I'm happy to see that, as we move along in the years since then, there's been amendments to strengthen the Act in incremental stages, and it continues to address the high level of tobacco use that we have in Saskatchewan and hoping that each amendment has an impact on that since we are still a province that has fairly high usage.

I'm still waiting for a response from the police and the school boards and the chamber of commerce, so I have some questions in particular . . . And this won't take very long because, as my colleague said, there is no intent from our side to hold this up at all and we certainly do support it. But there are some questions that I have as I read through the Act and the explanatory notes.

I would like the minister just to comment on if there's been any feedback from the police on enforcement issues, not just in the smoking in cars but also on school grounds because I know, when we originally thought about this, we were going to go to school grounds. And the school boards themselves said who would enforce it? How would it be enforced? Will children just go across the street and smoke on people's lawns, and what do we do with all that? And then the chamber of commerce . . . since I know we're putting in place changes to the definition of pharmacy which impacts some of our bigger stores like Walmart and Superstore and some of the changes to the public space definition and also, you know, anything else that they may have shared with you.

So those three I'd like to know if you have had any response from.

Hon. Mr. McMorris: — Okay. Let me just check with . . .

I guess first of all is that the School Boards Association, along with the LEADS — the League of Educational Administrators, Directors and Superintendents — as well as the tobacco enforcement officers have all been engaged with respect to this Act and the amendments to this Act. There are a number of schools already that have policy within its own jurisdiction to eliminate or not allow tobacco use, at least smoking for sure, on their grounds already. So there has been consultation and also with chamber of commerce regarding the pharmacy piece.

They are all very aware of this legislation and especially . . . I know, I think in the adjourned debates, it was raised again about school divisions and their concerns, but they have been directly involved as we've moved through this process and are in favour of the amendments that we're putting in place.

Ms. Junor: — Thank you. My colleague was speaking of haste. I just got a response back from one of the stakeholder groups, and definitely the school grounds piece was something that they wanted, and definitely now we're going to assume to see an amendment.

And the second question that was raised was tobacco kiosks adjacent to pharmacies in stores that contained a pharmacy and that, in other provinces, separate tobacco kiosks and smoke shops have been constructed adjacent to pharmacies and so they are inviting . . . and visible to the public. And that is something they would obviously want to see that loophole closed, so it doesn't happen in Saskatchewan. Did we have any conversation on that?

Hon. Mr. McMorris: — Just kind of the exact workings of how it will work in a facility, a pharmacy or a large box store or whatever, and where the kiosk or the area that tobacco products will be sold separate from . . . All the details, that will be in regulation. As far as does it have to be a completely separate building, does it have to be a completely separate entrance, does there have to be a corridor in between — those details will be worked out through regulation which is, I think, probably pretty standard in other jurisdictions too.

Ms. Junor: — Thank you. Another comment that . . . I'm just quickly reading the letter since it just was handed to me. The other concern that was mentioned was more protection for second-hand smoke in outdoor spaces such as patios. And I understand there was some initial conversation or intent to put patios into the legislation and then it wasn't. And also they added on not only patios but playgrounds. And so could you comment on that too, please.

Hon. Mr. McMorris: — I think I can answer this relatively generally is that, you know, I had spoke of that publicly when we introduced or when we first started talking about amendments, the piece around the patios and certainly heard lots of feedback — some positive and some negative. And it was a decision at that time that we made that we wouldn't move on it as . . . You know, as you have said already is . . . When the Act was introduced, was the public ready for the amendments that we're putting in place now?

And probably not when it was first introduced but as time goes on, there are advancements and there are changes to an Act. We had decided at this time that we felt it was a balanced approach, a pretty encompassing Act . . . amendments I should say, and we decided not to move on the patio piece at this time.

Ms. Junor: — And playgrounds?

Hon. Mr. McMorris: — Playgrounds are not . . . [inaudible interjection] . . . Actually yes, right. That's a good point. We hadn't even really talked about the playground piece. And that certainly is something that we can look at. As I mentioned in my opening remarks, this is an ongoing process that, as we move forward and suggestions come forward . . . we are not opposed to look at them. We'll certainly have a look at them, and that may be an amendment we may see in the future.

[14:15]

Ms. Junor: — Then just a little more detail. In the explanatory notes to the Bill, it talks about — I think it's section 6 — certain sales promotion practices prohibited. And at the bottom of page 4 it says, "Amendments to section 6 also provide the authority for the Lieutenant Governor in Council to create regulations that exempt historical signs and items." Could you tell me what that actually means? What's an historical sign and item?

Hon. Mr. McMorris: — I think if you look at, you know, past history, tobacco companies were very good at sponsoring. And the one that I can just think of all the time is the Macdonald's Briar, and the small town that I came from had curling scoreboards that had tobacco advertising on it. It is not the intent that we would go and make small communities pull scoreboards because of tobacco advertising. Now a lot of communities have replaced, but there are still some of those that are in place, and it's not our intent to have communities have to pull those scoreboards down because they are historic.

Ms. Junor: — Thank you. And then on the same page, when it talks about the little cigars and the flavoured cigars and it says, the regulations, the Lieutenant Governor again can prescribe regulations that would exempt certain flavoured little cigars. And which ones are you . . . Like how are you differentiating?

Hon. Mr. McMorris: — The federal government has legislation in place right now. The federal government's legislation tends to . . . It talks about the ingredients, the chemicals that are put into flavoured cigars that create the flavour. So they identify an awful lot of different ingredients, I guess, or chemicals that are added to tobacco to produce a flavour. And, you know, we've looked at that. We think that it pretty much covers most of it, but our concern was that, if there was some changes, whether the federal government would react as quickly as what we needed or what we thought would be prudent . . . So that's, you know, that's what that piece is all about . . . is it's mostly covered off by the federal government right now. But we have the option as we move forward to identify some other chemicals — flavouring agents would probably be a better term to use — flavouring agents that weren't covered under the federal legislation.

Ms. Junor: — And so since we're talking about regulations, can you give me just a flavour of what type of things will be in regulations? What will be left to regulation?

Hon. Mr. McMorris: — Just regarding the flavouring?

Ms. Junor: — Oh no, sorry, regulations in general. Like what do you anticipate being in the regulations that . . . You said at the beginning of your remarks, there'll be regulations around this. What sort of things do you contemplate coming in regulation?

Hon. Mr. McMorris: — What I have here is that indoor signs required for retail establishments to list tobacco or tobacco-related products for sale, including the price, that would be part of . . . Regulations would be needed to be made surrounding that, also the prohibiting of the sale of tobacco products in pharmacies, regulations around that, smoke-free zones around public buildings, regulations around that. We don't think . . . We may need some regulations around the exemption of certain signs. And items prohibiting the sale of

flavoured little cigars and other flavoured tobacco products may need some regulations; we're not quite sure on that yet.

Ms. Junor: — I'm sorry; I just missed the end part of that. Was there any . . . Is this where we'll find the penalties or the fines that will be occurring for people who are smoking in cars? Where will that appear?

Hon. Mr. McMorris: — So those would not fall under this Act, but they would be included in the amendments that would be needed to be made to the summary offence procedures and regulations to develop the penalties under *The Tobacco Control Act*. It's a separate piece that would . . . Regulations need to be changed on that side. It's not cited in this Act.

Ms. Junor: — I think that's all my questions, although I did hear you, Minister, say that you're anticipating that there will be some opportunity to have more changes, that this is sort of an evolving Act. And hopefully there's a comment that was made in this letter that was just handed to me, is that they do look forward to the opportunity to work on changes they've identified which is patios, etc.

And given that the Act hasn't changed for a few years, that now that we're doing it and their word is going through so quickly, that we would like to take full advantage of it. So I'm hoping and I hope that someone can assure me that we are going to see an amendment that deals with smokeless tobacco at this committee level; otherwise I would've had one prepared.

Over to my colleague. That's it, Mr. Chair. Thank you.

The Chair: — Mr. Broten, you have more questions?

Mr. Broten: — Yes please, thank you. Minister, in your remarks, you talked about, through regulation, changes that will be made that will affect pharmacies and the sale of tobacco products through pharmacies or in locations with a pharmacy. I know in speaking with people in Saskatoon, different pharmacists want a very hard line on this and others don't. And I think that varies across the province, whether perhaps you're in a small town pharmacy or whether you're in a big box store in Saskatoon or whether you're in a stand-alone pharmacy in another location.

Could you please outline what consultation to date has taken place with pharmacists in the province? And as the regulations are developed and brought forward on Bill 133, what additional consultation is planned and will take place? What sort of input are you looking for from the pharmacists in the province? Thank you.

Hon. Mr. McMorris: — The piece around the pharmacy and not being able to sell tobacco products in pharmacies — a lot of that work has already been done. I mean a lot of it . . . because I think the other thing that's interesting is that there's many descriptions of what a pharmacy is.

I always think of it in my constituency of, you know, whether it's a Pharmasave in Indian Head or Fort Qu'Appelle or Valley Drug in Fort Qu'Appelle, you know, those smaller town pharmacies, they'll tend to sell some other things. But pharmacy, you know, that's what it is. And they've already

made that decision a long time ago, long before legislation or regulation was put in place, to say that they can't sell tobacco products. They haven't for years.

But where this certainly moves towards is when you talk about the big box stores or even, you know, a Safeway's that has a pharmacy as well as sells tobacco products. So there has been consultation with the pharmacy association. There's also been consultation with the College of Pharmacists, as well as the Western Convenience Store Association, as to these amendments. And I think there is, you know, generally approval among all of those groups. It's just now we have to work on the regulations as to exactly how the mechanics of it work.

As I had mentioned in my previous answer — whether it's in a totally separate building or a, you know, a separate entrance within the same roof — all of those details will be discussed and put into regulation. And there is some precedent in other provinces that will be looked at.

Mr. Broten: — Thank you.

The Chair: — Do you have any further questions?

Hon. Mr. McMorris: — I'd just like to make one quick comment to Ms. Junor's question regarding smokeless tobacco on school grounds. That is what the amendments will be about. As we go through this Act, we will be amending the Act, and there are a number . . . Not knowing, but I thought, you know, it would be one word change, but because you change one word, there are some other amendments that will follow. But it is all around, the whole piece around smokeless tobacco and schools. And so that's what the intent of all these amendment changes as we go through the Act right now.

Ms. Junor: — Thank you.

The Chair: — Thank you, Ms. Junor and Mr. Broten. Thank you, Mr. Minister. Seeing no more questions, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

[Clause 1 agreed to.]

[Clause 2 agreed to.]

Clause 3

The Chair: — Clause 3, Mr. LeClerc.

Mr. LeClerc: —

Amend Clause 3 of the printed Bill:

(a) by striking out “**and**” after clause (d);

(b) by adding “**and**” after clause (e); and

(c) by adding the following clause after clause (e):

“(f) by adding the following clause after clause (g):

“(g.1) “**school or independent school**” means a school or an independent school as defined in *The Education Act, 1995*”.

The Chair: — Thank you, Mr. LeClerc. With that we will need a short recess to get some paperwork in order. Then we will continue with the committee meeting.

[The committee recessed for a period of time.]

The Chair: — Welcome back. The committee's back in session. We have everything in order. Mr. LeClerc has moved the amendment to clause 3. Is there any discussion? Ms. Junor.

Ms. Junor: — Could Mr. LeClerc explain his amendment and the impact of it.

Mr. LeClerc: — We wanted to make sure that in *The Education Act* that school or independent school was defined as it is under *The Education Act, 1995*. Under the original Bill, it wasn't as defined under *The Education Act* to include independent school within there, and we wanted to make sure that we had it covered and there was no mistake.

Ms. Junor: — I think that part's clear. To me what's not clear is what striking out “and” and adding “and” would do. Please point me to where it affects it and then tell me what it would do.

Mr. LeClerc: — As explained to me by legal counsel, it's just a drafting thing. In order to add the following clause after clause, school or independent school, we need to remove the “and.”

Ms. Junor: — So you're taking one out, putting one in, and then adding the clause that will be (f)?

Mr. LeClerc: — Correct.

Ms. Junor: — Thank you.

The Chair: — Thank you, Ms. Junor. Any other questions? Seeing none, is clause 3 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 3 as amended agreed to.]

[Clauses 4 to 7 inclusive agreed to.]

Clause 8

The Chair: — Clause 8, Mr. LeClerc.

Mr. LeClerc: — Clause 8:

Strike out Clause 8 of the printed Bill and submit the following:

“**Section 8 amended**

8 Section 8 is amended:

(a) by repealing clause (a) and substituting the following:

‘(a) a school or an independent school’; **and**

(b) by adding the following clauses after clause (f.4):

‘(f.5) a pharmacy;

‘(f.6) a retail store if:

(i) a pharmacy is located in a retail store; or

(ii) customers of a pharmacy can enter into the retail store directly or by the use of a corridor or area used exclusively to connect the pharmacy with the retail store”.

The Chair: — Thank you, Mr. LeClerc. Do the committee members agree with the amendment as read? Ms. Junor.

Ms. Junor: — I just want to make a comment. I’m assuming that repealing clause 8 . . . since we haven’t seen these amendments until this moment and we also don’t have the main Bill to see what repealing clause 8 — we don’t even know what clause 8 is — this makes it a little difficult. So can the member explain to me what clause 8 is that we’re repealing?

Hon. Mr. McMorris: — We certainly would be glad to explain that. He’s putting it in on our behalf, so I will have Allan Laird who has worked on this extensively to explain those changes.

Mr. Laird: — Thank you, Minister. Section 8 of the tobacco control Act, clause 8(a), currently reads, “a school or registered independent school as defined in *The Education Act, 1995*.” What we did in this amendment, in the proposed amendment, is strike the reference to registered independent school because . . . for consistency’s sake through the rest of the Bill and as such. Like a registered school is essentially the same, fits in the scope of an independent school, so we’re just making the Bill consistent throughout. And that’s the auspice of the amendments.

Ms. Junor: — Thank you. And I understand the pharmacy one, thanks.

The Chair: — Thank you, Ms. Junor. With that, do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 8 as amended agreed to.]

The Chair: — Clause 9, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 9 agreed to.]

Clause 10

The Chair: — Clause 10, Mr. LeClerc.

Mr. LeClerc: — Clause 10:

Amend clause 10 of the printed Bill by striking out subsection (1) and substituting the following:

“(1) Subsection 11(2) is repealed and the following substituted:

‘(2) Subject to subsection (3), no person shall:

(a) smoke, use, or consume tobacco, or hold lighted tobacco, in an enclosed public place that is a school or an independent school or on the grounds surrounding a school or an independent school; or

(b) smoke or hold lighted tobacco:

(i) in an enclosed public place other than a school or an independent school; or

(ii) within a prescribed distance from a doorway, window or air intake of an enclosed public place mentioned in subclause (i)”.

The Chair: — Thank you, Mr. LeClerc. Is there any discussion on the amendment?

Hon. Mr. McMorris: — Would you like further explanation?

Ms. Junor: — Yes please.

The Chair: — Mr. Minister.

Hon. Mr. McMorris: — Allan, do you want to . . .

Mr. Laird: — Thank you, Minister. This amendment is to accommodate or prohibit all tobacco use on school grounds. This was the discussion that was raised by one of the stakeholders, so we’ve amended the Bill to ensure that all tobacco use — not just smoking cigars, cigarillos but all tobacco use, including your spit tobacco, for example — would be prohibited in a school or on school grounds.

Ms. Junor: — Thank you.

The Chair: — No further questions? With that, clause 10, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 10 as amended agreed to.]

Clause 11

The Chair: — Clause 11, Mr. LeClerc.

Mr. LeClerc: — Clause 11:

Strike out Clause 11 of the printed Bill and substitute the following:

“Section 11.1 amended

11(1) Clause 11.1(1)(a) is amended by adding ‘or used’ after ‘designed’.

(2) Clause 11.1(3)(a) is repealed and the following substituted:

‘(a) request the person to immediately:

(i) stop smoking or holding lighted tobacco and to immediately extinguish the lighted tobacco; or

(ii) in the case of a school or an independent school, stop smoking, using or consuming tobacco or holding lighted tobacco and to immediately extinguish any lighted tobacco”.

The Chair: — Thank you, Mr. LeClerc. Would the committee members like explanation from the minister or his officials?

[14:45]

Ms. Junor: — Well I just have a question. Are we missing a step? We are not voting actually on the amendment? We’re voting on the clause as amended without voting on the amendment?

The Chair: — We are voting on the clause with the amendment, has been told to me by the Clerks.

Ms. Junor: — So as normal process is, we vote on the amendment and then we vote on the clause as amended. We’re collapsing the step?

Mr. Elliott: — In this case, yes. The script reads that it must . . . I can confer with Iris, but this was the script that was provided for this case. I’m going to check.

The Chair: — As I am instructed by the committee Clerks, it is acceptable. Currently on Clause 11, so we’ve had discussion. Do the committee members agree with the amendment as read?

Ms. Junor: — Just one second. The advice I just got from the Clerk is that we have been missing that step about voting on the amendment and then voting on the clause as amended. That’s what I was just told. Were you not told the same thing?

The Chair: — I apologize to the committee members. I have been going off the script that was prepared, so we’ll go back to that step.

Ms. Junor: — Okay, as long as it doesn’t affect any of the work that we’ve done.

The Chair: — Would the committee members like to go back to Clause 1?

Ms. Junor: — No. The ones that were amended is all we have to talk about. So we make sure we’ve voted on the amendment and then vote on the clauses as amended.

The Chair: — Back up to Clause 3 if you’d like.

Ms. Junor: — Can you reference that without us doing that? Or do we have to actually go back and officially do it with movers and seconders and all that stuff?

Mr. LeClerc: — I would recommend, with your permission, that we just read into the record that we have voted on the original clauses 3, 8, 10, and 11 and then agreed on the amendment. Would that be fine?

The Chair: — Thank you Mr. LeClerc. So do the committee members agree with the sections and the amendment as put forward for clause 3, clause 8, clause 10, and clause 11?

Some Hon. Members: — Agreed.

The Chair: — It’s unanimous consent?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. So I think . . . Are we still on clause 11? Yes we are. Do the committee members agree with the clause as printed?

Mr. LeClerc: — Which clause?

The Chair: — Eleven. So the committee members agree with the clause and the amendment as read in for 11?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

[Clause 11 as amended agreed to.]

Clause 14

The Chair: — We have new clauses for 12 and 13 which will be read at the end as procedure has stated. So we go to clause 14. Is that agreed? Agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 14 agreed to.]

Clause 15

The Chair: — Clause 15, Mr. LeClerc.

Mr. LeClerc: — Clause 15:

Amend Clause 15 of the printed Bill:

(a) by striking out **“and”** after clause (d);

(b) by adding **“and”** after clause (e); and

(c) by adding the following clause after clause (e):

(f) by repealing clause (j) and substituting the following:

“(j) for the purposes of section 13, respecting signs to be posted”.

Again the striking out “and” and after adding “and” is a detailed . . . Would you like further explanation?

Ms. Junor: — I have the printed Bill here and clause 15 doesn’t match up this, as far as I can tell.

Mr. LeClerc: — It does on this one.

Ms. Junor: — It does on this one?

Mr. LeClerc: — This one.

Ms. Junor: — Okay. It doesn’t . . .

Mr. LeClerc: — We’re amending the clause.

Ms. Junor: — All right.

Mr. LeClerc: — So we’re amending the proposed clause, so it makes sense on this one, but not necessarily on the original Bill because we’re adding the clause into the original Bill. I’ll read it again if you’d like:

Amend Clause 15 of the printed Bill:

(a) by striking out “**and**” after clause (d);

(b) by adding “**and**” after clause (e); and

(c) by adding the following clause after clause (e):

“(f) by repealing clause (j) and substituting the following:

“(j) for the purposes of section 13, respecting signs to be posted.”

Ms. Junor: — Does the minister have any comments on this one, explanations?

Hon. Mr. McMorris: — I mean, it’s just so that signs can be posted of what the legislation is reading, such as tobacco as opposed to smoke.

Ms. Junor: — Okay thank you.

The Chair: — So clause 15, is the committee in agreement with 15? Mr. LeClerc has moved an amendment to clause 15. Is there any more discussion? Do the committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 15 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 15 as amended agreed to.]

Clause 16

The Chair: — Clause 16, coming into force, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Okay, correction. Clause 16, section 31 is amended by striking out “department” wherever it appears and in each case substituting “ministry.”

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 16 as amended agreed to.]

Clause 12

The Chair: — Okay, committee members we’ll now return to clauses 12 and 13. We have new clauses for 12 and 13. I recognize Mr. LeClerc.

Mr. LeClerc: — Rather than strike out the strike out in the amendments that were originally proposed in order to deal with the aspect of the smokeless tobacco, for housekeeping duties we just decided to put a new clause in rather than amending the amendment and striking out the strike out. So a new clause 12:

Add the following after Clause 11 of the printed Bill:

“New section 13

12 Section 13 is repealed and the following substituted:

“Signs required

13(1) Subject to subsection (2), every proprietor of a place or premises to which section 11 applies must ensure that signs containing a statement respecting the prohibition against smoking or holding lighted tobacco are posted at the place or premises in accordance with regulations.

(2) Every proprietor of a school or independent school shall ensure that signs containing a statement respecting the prohibition against smoking, using or consuming tobacco, or holding lighted tobacco, are posted at the school or the independent school in accordance with the regulations”.

The Chair: — Thank you, Mr. LeClerc. Do the committee members agree with the amendment as read?

Ms. Junor: — One second. I was going to ask if the minister had anybody to explain anything, any comments that need to be made?

Mr. Laird: — Again this amendment is to accommodate the use of or the prohibition of all tobacco on school grounds. Currently the legislation with respect to signs only addresses smoking or holding lighted tobacco. This would allow schools or independent schools to post signs that note the prohibition of all tobacco. So it wouldn't be just smoking or holding lighted tobacco. It would be a reference to all tobacco use in a school or on a school ground.

The Chair: — Thank you, Mr. Minister. Any further question or discussion? Do the committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 12 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 12 as amended agreed to.]

The Chair: — Will the committee take the printed clause as read?

Some Hon. Members: — Agreed.

The Chair: — Just to confirm, the committee will take the new clause no. 12 as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will be moving to a new clause for 13. Mr. LeClerc.

Clause 13

Mr. LeClerc: — New clause 13 again is just to include the consumption of tobacco, period, as chewing tobacco, smokeless tobacco:

Add the following after Clause 12 of the printed Bill:

“Section 17 amended

13 Subclause 17(2)(a)(iv) is repealed and the following substituted:

‘(iv) smoking, using or consuming tobacco, or holding lighted tobacco, is prohibited pursuant to this Act’.

The Chair: — Thank you, Mr. LeClerc. Is there any questions on the amendment?

Ms. Junor: — This is just to include the smokeless tobacco, right?

Mr. Laird: — Yes, that is correct. It would allow a tobacco enforcement officer to go, for example, into a school and enforce all tobacco use rather than just smoke or holding lighted tobacco.

The Chair: — Thank you, committee members. Do the committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Do the committee members agree with the new clause 13 as read?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 13 as amended agreed to.]

The Chair: — Clause 17, coming into force, is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 17 agreed to.]

[15:00]

The Chair: — Are there any other questions or comments?

Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: Bill No. 133, *The Tobacco Control Amendment Act, 2009*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask that a member move that we report Bill No. 133, *The Tobacco Control Amendment Act, 2009* with amendment.

Mr. LeClerc: — So moved.

The Chair: — Mr. LeClerc moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Ms. Junor.

Ms. Junor: — Are we done with the motion? Are we done with the Bill?

The Chair: — Yes.

Ms. Junor: — I have a comment then when it's appropriate.

The Chair: — Ms. Junor.

Ms. Junor: — Okay. I just want to thank the minister and his officials, and I want to thank the staff for working to get all this together for this time today. And I do want to make a comment that this Bill and this committee would have been better served if it was not used in the political process of gamesmanship that the House was doing. And I think it's a shame that, as you can see, there was not enough preparation allowed for the staff and for the members of the opposition, myself as Health critic, to do the work that we are expected to do.

There was no intent to stop the Bill. The Bill and its intent was certainly supported by the opposition. The process was flawed, and I think we saw how that worked. My colleague and I did not have the amendments. The staff were not ready. I think it doesn't serve the committee well, and it certainly doesn't serve a Bill, and it certainly doesn't speak well to the stakeholders who are here and who are watching, that we have done this. That's the end of my comments.

The Chair: — Thank you for your comments, Ms. Junor. Mr. Minister would you like to respond?

Hon. Mr. McMorris: — I guess I would like to thank the officials for being here as well and the stakeholders and committee members. I will say that when a piece of legislation that is two lines long will be held in the House for three days, filibustered, and each Bill needs 20 hours in the House, and there is absolutely no agreement that a Bill is going to be moved through, that is what has put this in the position that it's in.

I will admit that amendments certainly being brought in this late is not the best. And we should have had those done earlier, and I will admit to that. But as far as why the Bill was pressured and pushed was simply because of signals that have been put forward by the opposition that no Bill will be moving through the House. So that's why we're in the situation we're in.

The Chair: — Thank you, Mr. Minister. I'll now entertain a motion to adjourn. Mr. Hart.

With that I would like to also thank the members of the opposition and the government members for coming in this afternoon. I'd like to thank the minister for the work I know he did and the stakeholders for their work that they've done on this Bill. Cancer prevention and care is a big part of my life, and I really appreciate this step going forward, so thank you all very much. Is the motion agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. The committee now stands adjourned.

[The committee adjourned at 15:04.]