

STANDING COMMITTEE ON HUMAN SERVICES
Thursday, April 1, 2010

MINUTE NO. 34
2:00 p.m. – Room 8

1. **Present:** Greg Ottenbreit in the Chair and Members Cam Broten, Doreen Eagles, Glen Hart, Judy Junor, Serge LeClerc and Joceline Schriemer.
2. The committee considered Bill No. 133 – The Tobacco Control Amendment Act, 2009.

The following Ministry of Health officials appeared before the committee and answered questions:

Witnesses

Hon. Don McMorris
Tami Denomie, Director of Health Promotion
Lauren Black, Assistant to Deputy Minister
Lauren Donnelly, Assistant to Deputy Minister
Allan Laird, Legislative Policy Analyst

3. The questions being put on clauses 1 and 2, they were agreed to.
4. The committee recessed from 2:27 p.m. until 2:36 p.m.
5. The committee resumed consideration of Bill No. 133 – The Tobacco Control Amendment Act, 2009.
6. During the consideration of clause 3, it was moved by Mr. LeClerc:

Clause 3 of the printed Bill

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*”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 3 as amended, it was agreed to.

7. The questions being put on clauses 4 to 7, they were agreed to.

8. During the consideration of clause 8, it was moved by Mr. LeClerc:

Clause 8 of the printed Bill

Strike out Clause 8 of the printed Bill and substitute 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 the 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’”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 8 as amended, it was agreed to.

9. The question being put on clause 9, it was agreed to.

10. During the consideration of clause 10, it was moved by Mr. LeClerc:

Clause 10 of the printed Bill

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)''.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 10 as amended, it was agreed to.

12. During the consideration of clause 11, it was moved by Mr. LeClerc:

Clause 11 of the printed Bill

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’’.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 11 as amended, it was agreed to.

11. The question being put on clauses 12 to 14, it was agreed to.

12. During the consideration of clause 15, it was moved by Mr. LeClerc:

Clause 15 of the printed Bill

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’’.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 15 as amended, it was agreed to.

13. The question being put on clause 16, it was agreed to.

14. During the consideration of new clause 12, it was moved by Mr. LeClerc:

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 shall 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 the 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 independent school in accordance with the regulations”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on new clause 12 as amended, it was agreed to.

15. During the consideration of new clause 13, it was moved by Mr. LeClerc:

New Clause 13

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”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on new clause 13 as amended, it was agreed to.

16. The question being put on clause 17, it was agreed to.

17. It was moved by Mr. LeClerc:

That the committee report Bill No. 133 – The Tobacco Control Amendment Act, 2009 – with amendment.

A debate arising and the question being put, it was agreed to.

18. It was moved by Mr. Hart:

That this committee do now adjourn.

The question being put, it was agreed to.

19. The committee adjourned at 3:04 p.m. to the call of the Chair.

Nathan Elliott
Committee Clerk

Greg Ottenbreit
Committee Chair