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**Wednesday 13 April 2005**

**Mercredi 13 avril 2005**

Speaker  
Honourable Alvin Curling

Clerk  
Claude L. DesRosiers

Président  
L'honorable Alvin Curling

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 13 April 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 13 avril 2005

*The House met at 1845.*

ORDERS OF THE DAY

TOBACCO CONTROL STATUTE LAW  
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI A TRAIT  
À LA RÉGLEMENTATION  
DE L'USAGE DU TABAC

Resuming the debate adjourned on February 21, 2005, on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Beaches–East York.

**Mr. Michael Prue (Beaches–East York):** On the last occasion, I started my speech by saying it was going to be bifurcated that is, split in two halves. Little did I know at that time how many weeks or months would go by between those two halves.

Just to refresh the memory of the people present, in the first half I talked about some potential problems with the bill that I would hope would be solved by the time it goes to committee and by the time the government has an opportunity to look at those changes that might be necessary.

The first one falls under the definition of what constitutes an enclosed structure, because anything with a roof now constitutes an enclosed structure. I asked the government particularly to look at the many retractable roofs that are now in and around Ontario. I have been to outdoor cafés and bars that have retractable roofs that go in and out, depending on the push of a button.

**Mr. Bob Delaney (Mississauga West):** What about the SkyDome?

**Mr. Prue:** The SkyDome is a perfect example. That's probably the largest retractable roof in Canada. In any event, it is not clear from the definition whether that will

be covered, and I am not sure that it should be covered. I'd just like you to look at that.

The second issue I talked about the last time was the section in the bill, which is a good section, where health care workers, people who go into nursing homes, do not have to, if they feel their health is being compromised, service the people who choose to smoke while they are in there trying to give health services to them. We agree wholeheartedly with that.

But there is a previous section to that which talks about hotels. It says that hoteliers can designate which rooms you can smoke in and which ones you cannot. There is no provision, and I think there should be, with the greatest of respect, for hotel workers who clean rooms to also refuse to go into rooms in which there has been a lot of smoking taking place, or where people are smoking while they want to go in to work. It is not without the realm of possibility that people go in to clean a room, and the person does not want to vacate the room and continues to smoke. I think the rule that is good for health care workers should be extended to those who work in the hotel industry. I know, and the minister would know, that if you have a room where there was a big party the night before that was filled with smoke, and you have to go in to clean it in the morning, you will be breathing the same fumes that one could expect a health care worker to encounter going into a house where a lot of smoking was going on just prior to their arrival.

The third potential problem we see with the bill has to do with child care facilities, those in which people are allowed to smoke, because it is their home, at all hours when the facility is not in operation. We think a very close look should be taken at this. It may even be necessary to unlicense them. I know this is a radical step, but you cannot expect children, who are the most susceptible to cigarette smoke, to go into a home in which people are smoking all of the remaining 16 hours of the day when the child care operation is not taking place. Those carcinogens remain in the air. I think that too needs to be looked at, because that is quite a lacuna in the law. If we need to protect anyone, we need to protect the most vulnerable, those children in child care usually between the ages of two and five.

**1850**

That's what I talked about the last time, and in the seven minutes or so remaining today, I want to talk about three other aspects of the bill which I think others have touched on. The first is compensation for farmers. I think in that period between when I spoke the first time and now, there has been some compensation made under a

different act, so I'm just going to leave that, provided the farmers are compensated adequately to get out of the tobacco-growing industry. We think that will be adequate. They have given a number of some \$50 million, which will allow them to diversify into soybeans, peanuts or any other crop that will be better for the people of Ontario. That needs to be done.

The second aspect I need to talk about today has to be the potential compensation for those people who have invested, in many cases, their life savings in new restaurants or in separately ventilated smoking rooms. Many municipalities, including this one—Toronto, Hamilton, Burlington and a whole host of others—have passed legislation which allows for separately ventilated smoking rooms. They are allowed to exist for a finite period—in the case of Toronto, it will extend till the year 2008; in the case of Burlington, till 2009; in the case of Hamilton, till 2010—whereby people made an economic decision to build these separately ventilated smoking rooms under the law's extent at that time, in the municipalities that passed them.

Some of these smoking rooms cost the owners a lot of money. People invested their life savings in them with the expectation that they were going to recoup the money up until such point as the law ceased to exist and the room no longer had to be separately ventilated. I have some considerable sympathy for them, not for the cause of smoking, not for the fact that people are smoking, but for those people who made a decision in good faith based on the law as it existed at that time.

I am asking the minister and the committee, when they deal with this, to look very carefully at whether or not we want to simply outlaw them all in the year 2006. Of course, we can do that. The Legislature can do that. But there are two things that happen when you do that. First of all, you get people very angry, because they are potentially going to lose a lot of money that they have invested. The second thing is that you invite, and can probably expect, a number of legal challenges through the courts as to how the legislation is adversely affecting them, how they are in compliance with one law and then find themselves overruled by another.

I do not believe this ought to be challenged. If the legislation would permit it—where there is an existing bylaw somewhere else in a city in Ontario that preceded the coming into force of this act, where the structure was actually built prior to the introduction of this act and where it was in all ways compliant with the existing bylaw of the municipality—it should be allowed to live out the term, whether that year be 2008 in Toronto, 2009 in Burlington, 2010 in Hamilton, or whatever other bylaw existed to cover these separately ventilated smoking rooms.

I say that only because I want the people of Ontario—all of them, the majority of them, or as many as possible—to welcome the smoking bill, to say that this bill to outlaw tobacco in public areas is a good and reasonable thing. If you have people saying, "I've invested my life savings and I'm going to lose my life

savings," then you're going to have a whole subclass—and they're going to have supporters—of people saying that this is not where we should be going.

I'm asking the minister and the committee to look very carefully at—not that they be grandfathered, but that they be allowed to live out the term and the existence as set in the municipal bylaw with which they were compliant.

The last two minutes I want to give to the Royal Canadian Legion. I am a proud member, but an associate member, of the Royal Canadian Legion, branch 10, in East York. It is a thriving little institution. It has about 1,000 members. I think only about 200 are actual full-fledged members. In fact, that is what's happening in most of the Legions around Ontario and around the country. The average age of the legionnaires—those who actually served in armed conflict, usually the Second World War or Korea—is now approaching 84. It's 83 point something; it's really getting there. And the number of actual members—not associate members like me, but actual members—is declining with great rapidity.

At the beginning of this year, we had four Legion branches in Beaches—East York; we now have three. One of them has closed because the membership quite simply cannot continue to keep the institution viable. One of them has had to put their place up for sale. The other three are very nervous about this bill. They are very nervous that if they were to lose any of the membership of the old legionnaires—the people who are the mainstay, who have spent their lives in those halls—they too will be forced to close.

They have asked me to convey to the minister and to the Legislature a request, and the request is a very simple one: that they be extended beyond the year 2006—not forever, but perhaps in compliance with whatever the municipal bylaw is on separately ventilated smoking rooms. If we're going to extend that for a legal reason to a restaurant, might we also consider doing the same thing for the Royal Canadian Legion? At some point, there are not going to be actual members left. That day is fast approaching, and we can't do anything to stop that. I don't want to extend the law to associate members like me who are merely the children and grandchildren of those who served, but the actual members themselves have that request, and I am conveying it today. I hope the minister hears it.

**The Deputy Speaker:** Questions and comments?

**Mr. Mario Sergio (York West):** I think every member of the House agrees that this is an issue that must be dealt with. I sympathize with the comments by the member from Beaches—East York that we should look at it and relook at it and whatever.

The only way we can do that, and not only satisfy the request of some members of the opposition but also some members of the general public out there, is indeed to get this bill through this House on second reading approval and send it on so we can indeed come back—first of all, go to the public and see what we can get from them, what recommendations we can bring back to the House, and deal with it.

This is not a smoking issue alone. It is a health issue, and every member of this House knows how devastating it is not only in terms of money, the billions of dollars which it costs our government and our people in Ontario, but it costs lives. When people say, "Well, jobs are going to be lost and businesses are going to close down," I remember some 20 or 25 years ago, when we were debating this same issue on the old North York city council. I go today to any doughnut shop, if you will; there are more line-ups and more people in coffee shops now than ever before. So that fear is totally unfounded. I think it is an issue that we have to deal with, and the only way we're going to do it is by getting the members of the House to approve second reading, go to the public, and bring it back and finalize. I hope indeed that is what we will do.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** The member from Beaches–East York talked about designated smoking rooms and the issue with tobacco farmers. I appreciate the amount of work that the NDP has done with respect to this issue.

We heard mention of the "compensation" word as well. We would ask this government to take a look at the British Columbia approach to reducing smoking in that province. They brought in legislation somewhat similar to what we're debating this evening. Within two months, they made some amendments to permit restaurants to have the option of going totally smoke-free, to serve those customers who do not want to be exposed to smoke at all. They also gave restaurants the option of keeping their designated smoking rooms, giving them the choice of serving customers who either wish to smoke or not.

1900

This was done, as the Minister of Health would know, through the workers' compensation system in British Columbia, where employees are limited in the amount of time they spend in designated smoking rooms. As the minister will know, these smoking rooms are ventilated. When you put in a ventilation fan, you have no second-hand smoke. It goes out through the fan.

The member for Beaches–East York made mention of the plight of our farmers. I commend the NDP for being on top of this file. As everyone here would know, governments, both federal and provincial across the Dominion of Canada, bring in well over \$8 billion a year from this particular product. Whether they talk about banning it or not, they are very much content to continue to bring in the tax money. All we're asking for is compensation for farmers to allow them to leave the industry with dignity.

**Mr. Delaney:** Let's start this response with what we know. Second-hand smoke kills. You are just as dead if you died of cancer from breathing the air in a smoky room as if you died from inhaling the smoke from your own cigarette.

Bill 164 says it's time for Ontario to go smoke-free. More than four out of five Ontarians agree. It used to be—in fact, it still is, until the passage of this bill—that

unless there was a specific law, bylaw, ordinance or other stricture that said you couldn't smoke, then you could.

Bill 164 reverses that paradigm. It says that unless there's an exception to the rule that says you can smoke somewhere, and there are very few such exceptions, you can't. The default is that Ontario is going to be smoke-free. You can't advertise tobacco products. There are now few places where you can use tobacco products. Ontario is inexorably moving toward a future in which nobody smokes.

Smoking is by far the single largest preventable cause of death in Canada. There's no longer any doubt about how lethal smoking is. Some proprietors talk about retaining designated smoking rooms. A study in York region found that about 70% of the so-called designated smoking rooms simply didn't work. So we have proprietors who say, "I'd like to market to a segment of that market, which is maybe 15% or 20% of the total, and I want to be able to retain my designated smoking rooms," and those who have said, "This is a declining segment. I want to make my facility family-friendly and smoke-free. Those are the people I want to market to."

We're out to reward the people who have done well, the ones who are promoting smoke-free environments, the ones who are trying to make Ontario healthy. That's among the strengths of Bill 164.

**Mr. Gilles Bisson (Timmins–James Bay):** I just want to say, first of all, I support the concept of having a provincial rule when it comes to smoking as it applies to municipalities. Part of the problem we've got is that each municipality has a different rule, especially when you've got municipalities that are next to each other. It creates a bit of havoc. I just want to say on the record, I'm in favour.

But the member from Beaches–East York raises a couple of issues that I think the government needs to think about once we get into committee. One of them is the old issue of compensation. We all have municipalities in our ridings that have passed bylaws that say no smoking unless you're in an approved smoking area with proper ventilation etc. Municipalities passed bylaws and bars or restaurants, whatever it might have been—normally it's bars, not normally restaurants, in my riding—basically went out and spent money to retrofit their establishments. In some cases, they spent lots of money—we're talking in the tens of thousands of dollars and hundreds of thousands, depending where you are—to meet the requirement of a municipal bylaw.

All I'm saying, and I repeat what my good friend from Beaches–East York said, is that we need to have some sort of mechanism that either compensates these people because they spent money based on what the municipal law was, or we have to have some sort of grandfathering that gives them some time to recuperate the dollars that they invested in those particular establishments. That's one of the issues.

The other one is the Legion. I agree completely with the member from Beaches–East York. I go into the Legions. There are not a lot of vets left at our Legions.

They like to go there during the afternoon and have a beer or whatever it is they'd like to have, smoke a cigarette or two or 10 or whatever it might be. Listen, they earned the right. They went out and they served this country. They were given cigarettes in their K-rations when they went out and served in the Second World War and the Korean War. Basically, we should try to exempt Legions. There are not a lot of these legionnaires left. In 10 or 20 years, we could be in a position where Legions' rules can be changed, but at this point I think we need to do what the member from Beaches–East York says.

**The Deputy Speaker:** The member for Beaches–East York has two minutes to reply.

**Mr. Prue:** I thank the members from York West, Haldimand–Norfolk–Brant, Mississauga West and Timmins–James Bay for their very helpful comments.

I agree with the member from York West that this should go to committee. In fact, when I started my speech several weeks or months ago, that was not going to happen, or at least we didn't know it was going to happen. We now know it is. My criticisms are all constructive as to how the bill can be changed for the better in committee, and I agree with him that it is a health issue.

The member from Haldimand–Norfolk–Brant, although I thank you for being so kind to me, I have to tell you that I do not believe that a separately ventilated room protects the workers or the people who are in it. There is no question in my mind that the smoke is not entirely ventilated. The people who work there are at some health risk. The only question is, how fast can we shut them down without causing compensation issues and the like, or being sued? To my mind, they have no case whatsoever if you let them live out the terms of the municipal bylaw and the contract they signed with the municipality. That's the end of the story. At the end of that time, I would close them all—quite frankly, just close them all—on the day they're supposed to be closed. To do it before, though, invites lawsuits and civil disobedience, because the people who go there, the people who obeyed the law—I don't want to see them civilly disobeying this. I lived through that in the city of Toronto with its ill-fated bylaw and North York with its ill-fated bylaw. The only one that worked was the one from East York, quite frankly, where we banned smoking altogether. That's the only one that worked.

From Mississauga West, I agree that this is a huge problem.

From Timmins–James Bay, as always, I thank him for his comments. But I don't think that 10 or 20 years are going to be necessary for the actual members of the Royal Canadian Legion. The average age is 83. My Legion branch, which is a very big one, has only 200 members left. I don't think it's going to take any more than a year or two, in compliance with the municipal bylaws for separately ventilated rooms.

**The Deputy Speaker:** Further debate?

**Mr. Norman W. Sterling (Lanark–Carleton):** Now that we are over seven hours of debate, I would ask,

perhaps as the first legislator in Canada to ever introduce a bill to protect people from second-hand smoke in December of 1985, that I be given 20 minutes to speak rather than 10. I would ask unanimous consent.

**The Deputy Speaker:** The member for Lanark–Carleton has asked for unanimous consent that he be given 20 minutes.

I heard a no.

**Mr. Sterling:** I'm really disappointed, particularly by the government not allowing me to fully explore this issue and talk at length about this issue. I really am disappointed. In fact, I'm in favour of the bill, notwithstanding the government's objection to my speaking.

In 1985, I introduced the first bill to protect people from second-hand smoke in public places across this province. It was Bill 71. The public response to that bill was overwhelming: 30,000 people from across Ontario signed a petition, without any work on my part, to support my Bill 71. It passed in the 33rd Parliament of Ontario. This is the 38th Parliament of Ontario that we now sit in. It passed on a private member's bill. It received second reading, but the government of the day, the David Peterson government, did not call it for third reading.

**1910**

In the 34th Parliament, I introduced yet another bill, Bill 157. That bill also passed. It was not an act to control smoking across all of Ontario, but it was a bill to authorize municipalities across Ontario to make bylaws to control smoking in public places and in the workplace. I lamented at that time that I had to bring forward a bill that indeed led to patchwork, but the government of the day at that time, quite contrary to the existing government, indicated that they would not support a province-wide law. They wanted a law which was made patchwork, quiltwork, across Ontario. At that point in time, there were three municipalities, the city of Toronto being one of them, which had passed municipal bylaws to control smoking in public places, but I was more concerned about controlling smoking in the workplace, because we shouldn't force people to inhale second-hand smoke in the workplace. That law came into place much, much later than I would have desired at the time.

I would like to indicate the sentiments of the members who spoke in the debate on Bill 157, which occurred on November 10, 1988. Those sentiments were that we definitely needed this kind of law so that municipalities could pass this no-smoking-in-the-workplace law, since the province at that time was not ready to go forward. Mr. Bob Rae, who became the Premier after 1988, as you know, expressed some concern with the fact that people who were smoking were addicted to this particular behaviour and that there had to be some kind of accommodation for people who were heavily addicted to nicotine. I learned, over my interest in this issue, which I have carried on now for over 20 years, that even the people who are involved with the Addiction Research Foundation will say to you or to me that people who are addicted to tobacco have a more difficult time breaking

this addiction than those people who are suffering from addictions to drugs or alcohol. So the addiction is great.

I think when legislators try to grapple, as we are today, with this issue—and take another step, which I support—we should go across this province. We have to think about the accommodation of people who are addicted to this terrible substance.

I also note with great empathy the issue of tobacco farmers. I'm glad that the province has made some accommodation for tobacco farmers. I am told that that is not working out, as it is inadequate in the scope of the particular accommodation for our tobacco farmers.

*Interjections.*

**Mr. Sterling:** The amount of revenue which the government attracts out of this particular subject is so great that the amount that is being offered in compensation, I think, could be better. In fact, I made the same speech in 1994 when the NDP were in government, and I made the same speech with regard to the previous government in 1988 and 1989 when this issue was raised.

My hope is that we would have nobody in Canada producing tobacco. Then the tobacco industry will not have, on their side, the agricultural community. I think it's necessary to transfer the Ontario agricultural community from where they are to where we would want them to be. I would like no one in Ontario growing tobacco. Even—and I would really love this to happen—if Ontario became tobacco-free, I don't think we should grow tobacco in this country and export it to another country where people might suffer health consequences as a result of a product that we produced here in our province of Ontario.

I really do believe that when we make these shifts, it's incumbent on the government to ensure that those people who have relied on this particular product are dealt with in a fair and equitable manner. I think the government has to go an extra step in order to transfer from where we are to where we should be.

I empathize very much with the remarks of the member from Beaches–East York with regard to those people who have complied with the law and put in certain accommodations for smokers in their establishments. I also believe that we should accommodate those people who are running Legions and are involved in Legions. I don't think that we should, as legislators, necessarily be over-restrictive as to how we deal with this situation as long as we can enforce a law which ensures that no worker, be it a bartender, be it a waitress, a waiter or whatever, has to go into an area where there is second-hand smoke. If it can be accommodated some other way, then I think we, as legislators, should allow that freedom to exist in our society. Because of our very severe weather in the winter, we should allow some kind of accommodation for people who wish to smoke. I think that accommodation can be found. While I hesitate to put it forward, I think that some kind of formulation of what the British Columbia government has done should be instituted here in the province of Ontario.

I generally believe that we, as legislators, shouldn't restrict people who cannot exist without this particular

substance. I have never smoked in my life. I don't understand the addiction to nicotine, but I do know that some people in our province have no chance of kicking this habit, whether they would like to or not.

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: In respect of the member's long-standing work on this particular file—and I know it is quite some time—I would ask for unanimous consent for the member from Lanark–Carleton to receive up to five more minutes.

**The Deputy Speaker:** The member for Brant has asked for unanimous consent that the dean of the House, the member for Lanark–Carleton, be given five more minutes. Agreed? Agreed.

**Mr. Sterling:** I appreciate the opportunity to say a few more words.

Over the past number of months, I have attended a number of the high schools in my area, in the former city of Kanata, now part of the city of Ottawa, and I've engaged in a very serious debate with those high school students about this piece of legislation. I think it's important for young people to get engaged in a serious issue, and this is a serious issue. I've tried to engage them not only in the positive, hard, cold fact of yes or no to this legislation, but I've tried to talk to them about the other issues, some of which I've just recently remarked on.

There's no question in my mind that society is turning away from smoking. When I first talked about this in 1985 and 1986, many of my colleagues from both sides laughed at me because I was being so adamant about my particular position. It wasn't very popular at that point in time, but it has become more popular. It has become more of a societal norm, and I believe that as we go forward it will continue to lessen in its effect. However, as I said before, we have to be ever-vigilant about the fact that it is a very addictive drug. If we can prevent the younger people from doing this, it's very important.

**1920**

To the young people of All Saints Catholic school in Kanata and Earl of March Secondary School, and to the students from West Carleton, I congratulate them on their interest in this issue, but I also want them and us in this Legislature to take this bill to committee and see if in fact we can accommodate some of those things that the member from Beaches–East York talked about in his remarks as well.

When we talked about this issue back in 1989, when the then Minister of Labour, now the Minister of Finance, was carrying the first provincial law with regard to this whole matter, I brought forward in committee of the whole House a number of amendments to his bill. Unfortunately, those amendments were not listened to by the then government.

It was interesting that the first bill to control smoking in the workplace didn't have any kind of need to separate non-smokers from smokers. I can remember drawing on my desk, or bringing out a roll of tape on my desk, and showing that the person sitting right next to me could be

a smoker—that that could be designated as a smoking section and this could be designated as a non-smoking section, and I would have to suffer because of the fact that they had designated this section one way and the other section the other, and there was no physical barrier.

I tried to amend the bill to have at least a physical barrier, and that was not accepted. Forty-nine members of the government voted against that, and there were only four who voted in favour. We were very small numbers in the opposition. But I was right, and history has proved me right, with regard to that. That was the extreme in the other regard.

I only ask the health minister, who is here tonight—and I thank him for being here tonight to listen to this debate—that he be reasonable and that we try to be reasonable in this legislation, that we allow people who are addicted to this substance some modicum of respect, notwithstanding that they have developed this addiction to nicotine. I ask as well that he consider very seriously the remarks of the member from Beaches–East York with regard to compensation for those people who have followed our municipal bylaws and have built rooms and expended significant amounts of money to comply with the law.

I ask lastly that they enrich their help for tobacco farmers so that we have nobody in Ontario growing tobacco and that we will never face the dichotomy we still face today: that the tobacco companies that are supporting the continued use of tobacco can rely on our agricultural community to come to their defence. If we do away with the farmers, they will never be able to rely on that support in future debates.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** On a point of order, Mr. Speaker: I've been enjoying this so much. Could we get unanimous consent to allow the member to speak all night?

**The Deputy Speaker:** The member for Renfrew–Nipissing–Pembroke has asked for unanimous consent that the member for Lanark–Carleton be given the opportunity to speak the rest of the night.

I heard a no.

**Mr. Sterling:** On the same point of order, Mr. Speaker: I want you to know I said no as well.

**The Deputy Speaker:** I think that was the no I heard.

Questions and comments? There being none, further debate?

**Mr. Bisson:** First of all, I appreciate the comments that are being made in this debate. I think we're generally coming from the same direction on this, and that is, we're beginning to recognize that on this particular issue it probably makes a lot more sense that we have a generic provincial law when it comes to the question of how we're going to treat smoking in establishments and in public places across Ontario.

We've all had in our particular constituencies, and in ridings like mine, where I have multiple municipalities, a situation where one municipality has one bylaw, somebody has another bylaw, one community allows smoking in this particular situation and the other one doesn't. It

becomes a bit of an issue in regard to the competition for clients between various establishments, depending on what municipality you live in. I agree with the idea that we should have one provincial law.

I want to say for the record, I understand, for those people who are smokers, this is a hard one to take. I want to tell people that I used to be an avid smoker. I used to smoke a pack and a half to two packs a day about 15 years ago, or I should say, about 65 pounds ago. A whole bunch of us around here know what that feels like and we know the extra weight that burden carries.

Anyway, I just want to say, I understand how difficult it is, because I was an avid smoker. I used to smoke a pack and a half a day. I could never understand why it was that those pesky non-smokers were trying to give me a hard time about enjoying my cigarette under my own terms. I didn't understand when they said this stuff smells and reeks, until I quit smoking. It actually took a while—it probably took a number of years—before I got to the point of understanding that it's intrusive to other people who don't smoke, especially in places like restaurants or places where we have kids. So I just want to say, I've kind of come 180 degrees on this particular issue because of the experience that I had being an avid smoker about 15 years ago.

By the way, I quit on a Weedless Wednesday. This is an interesting story. Elected in 1990; Weedless Wednesday Challenge 1991, and the Porcupine Health Unit said, "Will you participate?" I said, "Sure, I'll participate." I quit and I've never smoked since. Can you believe it? I know it's tough to quit.

**Mr. Delaney:** What did you win?

**Mr. Bisson:** I just did it cold turkey.

**Mr. Levac:** You didn't win anything?

**Mr. Bisson:** I didn't win anything. I got my health. What else do I need? I've got to tell you, I probably wouldn't be here if I kept smoking a pack and a half a day, given my lifestyle.

I just want to say, it's not easy. I happened to do it cold turkey. I was one of those who were able to do it. My point is, I understand where—

**Mr. Tim Hudak (Erie–Lincoln):** Interesting. What does it really mean, "cold turkey"?

**Mr. Bisson:** Cold turkey. It is an interesting—

**Mr. Hudak:** It is. What does it really mean?

**Mr. Bisson:** I'm digressing. I've got seven minutes. I want to make my point. My point is this: I do understand, for those who are smokers, this is a difficult issue to take. I've just got to say, trust all of us who have gone through this experience as smokers to non-smokers and those who didn't smoke; it is an issue. When you walk into a restaurant or a public place and you're not a smoker and this smoke is going on, it is annoying.

There is also the other issue of second-hand smoke and how it affects individuals. A woman I know quite well worked at one of the local restaurants in the city of Timmins. This was a restaurant; it wasn't a bar. She worked there for 50-some-odd years. She contracted lung cancer as a result of second-hand smoke working in the

particular restaurant she was employed in. It's a pretty tragic story. The woman is no longer with us, and it was as a result of second-hand smoke. We understand there are some medical reasons that we need to go this way, and there are also reasons as far as respecting other people.

That being said, I think there are a couple of issues we need to deal with at committee. I've heard a number of them before, and I'm not even going to take the full 10 minutes to say it. You can all applaud. A couple of issues I would like to see addressed as we get to committee: We need to find a way to grandfather those establishments that followed municipal bylaws. I know it's a tough one, but most municipalities sunsetted, when those particular establishments that said they were going to have a non-smoking area etc., properly ventilated—they said, "By a certain year, you have to be in compliance with the full weight of the bylaw."

I would argue, these people have invested a lot of money. We need to make sure that we do one of a couple of things. If the government doesn't have the money to reimburse these people for that investment, that is understandable. We know we're living in tight times. Maybe we need to allow them enough time to be able to recoup the investment that they put in. I understand some people on the side of the issue who want to have a complete ban.

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That may not be acceptable for reasons they feel very strongly about, but you have to look at it from the other side. These particular owners of establishments lived in the municipality where a bylaw was passed. The bylaw said, "You have the right to do this." They went out and invested a lot of money in order to retrofit their establishment to meet the municipal bylaw, and all of a sudden the province comes along and says, "Too bad, so sad. You spent tens of thousands, in some cases hundreds of thousands, of dollars to meet the bylaw, and here you are. Too bad, so sad."

I know government members are sympathetic to this issue because I've talked to a number of them, in fairness. I know a lot of them are saying, "Maybe we should refer this matter to committee and take a better look at it." Hopefully something can be done on that particular issue to deal with how we phase out those establishments that met municipal bylaws and that are now going to be caught by this provincial law.

The other issue is the issue of the Legions. I just want to repeat that Legion members in Hearst, Kapuskasing, Smooth Rock Falls, Timmins and South Porcupine, where we have branches of our Legion—except for Timmins, which shut down, unfortunately—

**Mr. Hudak:** Really?

**Mr. Bisson:** Yeah, it's quite a story.

**Mr. Hudak:** That's terrible.

**Mr. Bisson:** It's quite a story for another debate—are in a position where they will be caught by this particular bylaw. These things are not private clubs but they are pretty elite clubs, and I think we need to find some way to give the Legions a little bit more room. Our Legion-

naires, who are veterans—and I wouldn't argue. I'm a vet in the sense that, yes, I served in the armed forces of Canada for a couple of years, but I didn't serve on active duty—a huge difference. They put blanks in my gun; they didn't put real bullets in my gun, and nobody shot—

**Mr. Hudak:** I don't blame them.

**Mr. Bisson:** "I don't blame them," says Tim, for putting blanks in my gun. He is so right. I couldn't shoot straight anyway. But the point is, I was not in active service. I didn't go out and put my life on the line, trying to defend my country at a time such as the Second World War. I would argue for those people who are real vets, who served on active duty, I think we need to find some way of being able to accommodate them.

I just want to give you this story. When I was in the armed forces in the early 1970s, when we went out on exercises, they used to give us K-rations, and when you got your K-Rations, they used to have five cigarettes inside them. Every day you got your K-rations—your crackers, your can of peaches and whatever else was in that particular K-ration—and they gave you a five-cigarette pack inside every one. Our own country encouraged our soldiers to smoke, so to speak, and a lot of people ended up getting hooked on smoking as a result of their time in the armed forces.

I don't want to say that I never smoked before I joined the armed forces. I was 17 when I went in, and certainly I smoked tobacco and some other substances before I joined—I'll admit it today—but I did accelerate my smoking and become an addicted smoker through my experiences in the armed forces. For example, we used to trade these five cigarettes as a way of having a bit of an economy going on in the armed forces while we were out on exercise. Those guys who didn't smoke, we would give them two bits or a buck, whatever we were able to negotiate, in order to get their cigarettes. They got a few bucks to buy a couple of beers and we got some extra cigarettes.

My point is, we were basically encouraged to smoke by the armed forces. For those guys who served on active duty—I think that's a real service—we need to give those particular vets an opportunity to grandfather.

That is all the time I'm going to take. I want to thank the members for the opportunity to debate and I look forward to this bill going to committee.

**The Deputy Speaker:** Questions and comments? Do any other members wish to speak?

**Mr. Hudak:** I am pleased to rise to debate Bill 164. I won't repeat some of the arguments my colleagues have made, whether it's Timmins–James Bay, Lanark–Carleton or the member for Haldimand–Norfolk–Brant, who has been a very strong defender of tobacco farmers, particularly when it comes to Bill 164, making sure they get what they were promised by the Dalton McGuinty government during the campaign. With significant revenue raised through tobacco tax increases in the last budget, it would be only fitting that assistance for the tobacco farmers to convert, and a real plan to do so, would be forthcoming.

The points have been made already tonight by my colleagues in supporting tobacco farmers, looking for some of the exemptions, those exceptions that Lanark-Carleton spoke to a bit earlier on, and for businesses that have already made investments in their shops with the expectation that designated smoking areas would allow them to continue in business. We hope the government will look at assisting them in some way.

I wanted to address two aspects of this bill that are impacting on the people of Erie-Lincoln, from Dunnville to Fort Erie to Beamsville, and those would be the hospitality sector and the gaming sector. The Minister of Health is here tonight, but also I know the Minister of Economic Development and Trade and, I would argue, the minister for seniors should be very interested in the debate on Bill 164 because of the impact on the hospitality sectors and upon seniors.

Let's talk a little bit about the Legions—for example, the Dunnville Legion. Mel Robinson of the Dunnville Legion has told me time and time again about the significant drop in revenue and membership caused by the anti-smoking policies there. It is difficult enough for the Legions to make ends meet, but if you talk to Mel and members of the Dunnville Legion, they'll talk about a 50% drop in business at the Dunnville Legion. That's one of the last places for members of the Legion to socialize, to get together, to celebrate our Canadian history and their shared role in that. I do worry that what happened, unfortunately, in Timmins with the Legion closing down may become widespread across the province. So I say to my colleagues across the floor, let's also invest in a plan, if this legislation proceeds, to support our Legions and our hospitality sector in dealing with this change.

Bob Hill of the Beamsville Legion will make a similar case in Beamsville, in Niagara. In fact, Bob has called our office—petitions have been spread across the Legions in the riding of Erie-Lincoln, including the Port Colborne and Dunnville Legions. In the Fort Erie and Ridgeway Legions, a common topic of discussion is the harm that can be caused by Bill 164.

No doubt the hospitality sector as well has taken a huge number of hits in the past number of years—always a hard business, always very difficult work in the hospitality sector to make ends meet; very dependent upon the economy, but also dealing now with hydro prices that have gone up and up, despite promises by Dalton McGuinty to the contrary. Taxes on these businesses have increased, and I worry about the next provincial budget and whether they will increase again. Thankfully, the hospitality sector, with assistance from the opposition, fought off the ill-conceived Dalton McGuinty soup-and-salad tax. You remember that one?

**Mr. Delaney:** There never was one.

**Mr. Hudak:** That's because they fought it and stopped it, I say to the member from Mississauga. But I do believe that Dalton McGuinty and Greg Sorbara—whether they shared it with all of you guys—I bet you that cabinet was going to go ahead with that soup-and-salad tax, which would have put a sales tax on everything

under \$5—all meals. But thankfully, hardworking people across the province of Ontario rose up and fought back, and that plan died.

The hospitality sector, I worry, will have a further negative impact if Bill 164 goes through without a plan to support them. Taxes on alcohol have also gone up—beer and wine and spirits. No doubt, with the labour bills that this government has brought forward, the hospitality sector is reacting very strongly against Bill 144 and other labour changes which are increasing their cost of doing business. You combine that, and it is awfully tough in the hospitality sector today. That's why, if the Windjammer in Port Colborne, Ridgeway's on Ridge Road in Ridgeway, Slapshot Willy's—a frequent haunt of the Tim Hudak door-knocking team, those nights when we were in Lincoln. Good chicken wings, but if you talk to Barry Heaslip at Slapshot Willy's, what would he tell the Minister of Public Infrastructure? He would say, "Things are pretty difficult in the hospitality sector." Like those businesses in Peterborough, Barry Heaslip and Slapshot Willy's invested in their outdoor patio in preparation for the smoking changes in Niagara. But all that investment will be a net loss to them under Bill 164 without any kind of plan to assist the hospitality sector.

The Italian hall in Port Colborne—

**Hon. George Smitherman (Minister of Health and Long-Term Care):** You complain when we do.

**Mr. Hudak:** The health minister is piping up now. I say to the health minister, Frank Notte—who's really no fan of the health minister with his ill-conceived plan to have a super-sized LIHN, amalgamating Niagara with Hamilton, Brant and Haldimand; super-sizing is not good for health in the Niagara Peninsula. But Frank Notte would tell you, Health Minister, to abandon that plan—  
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**Mr. Jeff Leal (Peterborough):** What about the Golden Pheasant in St. Catharines, Jim Bradley's spot?

**Mr. Hudak:** You know what? I don't get to the Golden Pheasant enough, but I would bet you that they would be concerned about all of these increased costs to the hospitality sector, just like the Italian hall in Port Colborne considered this a couple of times but believed that their membership and the clients who come to the Italian hall want the opportunity to smoke, so parts of the club are currently open to that. No doubt they would be concerned about the impact on their business if Bill 164 were to pass, particularly, as it looks to be the case, if it passes without any kind of plan to help out clubs like the Italian club, without plans to help out the Legions across Ontario or the hospitality sector.

A third point I'll make is, we must be concerned about the gaming sector and the jobs that are related to that, particularly in the border areas, if this bill goes forward. If you walk into Casino Niagara or you walk into the Fort Erie Race Track and Slots, business is down considerably, I think down about 20% at Fort Erie. I know the casinos are not as busy as they used to be. There are a number of reasons for that. A good portion of that: problems at the border, worries about delays getting back

home to the United States, a lack of predictability of how long it will take to get from home to one of the tourism establishments. Again, I would say there is a lack of effective tourism marketing lately to bring new clients across the border.

The casinos will make the case that they would make substantial investments in ensuring clean air so that their client base wouldn't flock away from the casinos. Some estimate up to \$200 million of net loss in the gaming sector under Bill 164.

The other aspect of that: Not only the racetrack slots and the commercial casinos, you can't forget about the charitable gaming sector that's associated—

**Mr. Levac:** Our numbers went up.

**Mr. Hudak:** If they went up in Brantford, that's good to hear, but they're not experiencing that at the Delta Bingo in Fort Erie or at Uncle Sam's. The charitable bingo sector is seeing a significant decline. The border issues are related to that. Some of the costs I mentioned earlier on have caused that. But you talk to folks who are involved with Community Living who benefit from these bingos, you talk to folks associated with youth soccer or youth hockey in Fort Erie that benefit from the charitable bingos—they're very concerned about the decline in revenue. They will have an even greater concern about the impact of a bill like Bill 164 on the bingo industry. So there's actually a major decline happening today in the charitable gaming sector.

Whether it's the budget, whether it's further debate tonight or whether we will hear about it in committee hearings, I do hope the government has a plan to address the hospitality sector, to help out with our Legions and to assist the charitable gaming sector. I've not heard evidence of that as of yet.

But I know in rapt attention, Peterborough I think has some sympathy to these three areas, and Pickering–Ajax–Uxbridge as well. London hopefully too has paid rapt attention to my remarks tonight. I do ask of my colleagues across the floor, if you are voting for Bill 164, please ensure that you don't forget about the dramatic impact on hospitality, charitable gaming and our Legions. Bring forward simultaneously a plan to help out those sectors.

**The Deputy Speaker:** Questions or comments?

**Mr. Barrett:** The member for Erie–Lincoln made mention of the potential impact on the hospitality industry down his way and made mention of the Dunnville Legion, the loss of 50% of their business. I will say that farther west, the Hagersville Legion has an excellent spokesperson with respect to issues of tobacco in the form of Reg McGrath, a war veteran. His brother was killed in the Second World War. My father was the last one to see him alive with respect to our family. The Legion in Kinmount is named after him, as the member for Haliburton–Victoria–Brock will know. Branch 441 in Kinmount is also seeing a significant decline with respect to a smoking ban.

The member from Erie–Lincoln made mention of the gaming industry, the casino industry. There are about 100

bingo halls left in Ontario. These halls will probably close unless this government makes some allowances. We are all aware of the connection between smoking and those who take part in bingo. I do point out that bingo halls are used by our service clubs, Rotary clubs, associations for young people and religious and other cultural organizations. The Smoke-Free Ontario Act will invariably close down these bingo halls. On average, a bingo hall can support up to 40 charities. Again, I just ask this government to keep that in mind.

In the Niagara Falls Review, a Chippawa restaurant has indicated that 18 businesses in Niagara Falls have closed and a further 25 have sustained losses of close to \$1 million. Again, that is related to smoking legislation in that part of Ontario.

**The Deputy Speaker:** Questions or comments? The member for Erie–Lincoln has two minutes to reply.

Further debate? Does any member wish to speak? The Minister of Health.

**Hon. Mr. Smitherman:** I just wish to thank all members for their participation in the debate this evening. We listened carefully, and we're looking forward to the opportunity to have this bill in committee, where people, including Ontarians from a variety of walks of life, will have an opportunity to offer their comments.

I think it's very fitting that we should be debating this bill tonight, one day after the Canadian Cancer Society celebrated, or in a certain sense commemorated, the 25th anniversary of Terry Fox's courageous Marathon of Hope across Canada. They've brought forward a report that reminds us that notwithstanding all we've done to tackle issues related to cancer, it's very prevalent in our society.

The reality is that the province of Ontario spends 12% a year more, each and every year, to enhance the services available related to cancer. That's not all about tobacco, but 16,000 people a year in Ontario lose their lives from tobacco smoke. These are 16,000 people lost to their families and to their communities. These are preventable deaths. I think it's incumbent upon us as a government and as legislators to move forward in a fashion that does the utmost to protect Ontarians. I'm proud of this bill and of the quality of debate that has ensued.

I will leave with one story. I had a letter, too. I've had different points of view from people in the Legion, and I got a letter one day from an 81-year-old member of the Legion who lives in Port Perry. He fought in World War II and he's a non-smoker. He tends to the flowers outside of the Legion in Port Perry, because it's a smoking Legion. Then, for camaraderie, he drives 30 or 35 kilometres across country to the Legion in Brooklin, north of Whitby, which is non-smoking. He made a point very clearly in his letter to me, and that is, "Please, in this debate, don't let it seem that the voice of the Legion is the voice of smokers." Using his language, "Amongst my friends who fought in the Second World War, the vast majority of us are non-smokers and the Legion has been off limits to us for some time because we do not want to impair our health by second-hand smoke."

Clearly, these are challenging issues; I'm the first to acknowledge that. I've been around them a little while; not as long as the member from Lanark–Carleton, but I do think that as we go out to committee, we'll have a good opportunity to hear debate from a variety of points of view in Ontario. I just want to compliment all members on the quality of the debate so far.

**The Deputy Speaker:** Mr. Smitherman has moved second reading of Bill 164. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a 30-minute bell.

This isn't signed.

*Interjections.*

**The Deputy Speaker:** The chief government whip has handed me a deferral, pursuant to standing order 28(h). The vote will be deferred until Thursday, April 14, 2005, during deferred votes. Orders of the day?

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** I move adjournment of the House.

**The Deputy Speaker:** Mr. Caplan has moved adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

*The House adjourned at 1950.*

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Etobicoke–Lakeshore	Broten, Laurel C. (L)	Niagara Falls	Craitor, Kim (L)
Glengarry–Prescott–Russell	Lalonde, Jean-Marc (L)	Nickel Belt	Martel, Shelley (ND)
Guelph–Wellington	Sandals, Liz (L)	Nipissing	Smith, Monique M. (L)
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Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine</b> (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	<b>Duncan, Hon. / L'hon. Dwight</b> (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	<b>Kwinter, Hon. / L'hon. Monte</b> (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
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Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry</b> (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	<b>Curling, Hon. / L'hon. Alvin</b> (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	<b>Bradley, Hon. / L'hon. James J.</b> (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	<b>Bryant, Hon. / L'hon. Michael</b> (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Kuldip Kular, Gerry Martiniuk, Bill Murdoch,  
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Mario G. Racco, Khalil Ramal, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes

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