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Understanding the impact of the Smoke-Free Ontario Act on hospitality establishments' outdoor environments: a survey of restaurants and bars

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ABSTRACT

Background The Smoke-Free Ontario Act (SFOA) came into effect in May 2006 and included restrictions to outdoor hospitality areas by only permitting smoking on a patio if the area had no roof.

Objectives (1) To assess the impact of the SFOA on the prevalence of smoke-free patios in Ontario and (2) to determine the proportion of venues where structural alterations were made rather than going smoke-free in order to achieve compliance with the SFOA.

Methods A telephone survey of 403 hospitality sector operators/owners in four clustered samples of Ontario, Canada.

Results Based on completed surveys, the SFOA resulted in an increase in prevalence of smoke-free patios, from 5% (n=21) to 25% (n=99). Of the patios where smoking was permitted before the SFOA (n=382), 42% (n=161) had physical structures that would make smoking not permissible under the new act. Operators of half of these venues (n=80) made their patios smoke-free, with most indicating they had no choice given the costs or physical limitations to changing their outdoor environment. The other half (n=81) reported making physical changes, including removing roof structures to achieve compliance.

Conclusion The SFOA resulted in greater protection from outdoor secondhand smoke; however, most patios still permitted smoking. Half of the venues that complied with the SFOA by going smoke-free did so involuntarily because of structural and/or financial limitations. The majority of venue operators preferred to permit smoking on their patios, and only made their patios smoke-free when they were required to do so by law.

INTRODUCTION

Many jurisdictions around the world with advanced smoke-free legislation are contemplating how to further protect people from secondhand smoke. Outdoor smoking restrictions are seen by some tobacco control policy advocates as a natural extension of indoor bans. Common outdoor environments with smoke-free regulations include doorways, building perimeters and adjacent outdoor hospitality environments—namely the patio areas of restaurants and bars. A brief review of public attitudes towards smoke-free outdoor places, including patio environments, found that in a number of jurisdictions the majority of the public supported outdoor smoking restrictions.¹ In a survey conducted in Ontario, Canada, approximately 64% supported smoke-free patios.² However, regulating outdoor smoking is considered

a contentious issue, even within the tobacco control community.^{3–7}

In Canada, provinces and territories have taken different approaches in regulating outdoor smoking on patios. Newfoundland and Labrador, for example, made all outdoor patios smoke-free in 2005. In New Brunswick, Quebec, Manitoba, Saskatchewan and British Columbia, however, laws were passed that permit smoking on outdoor patios provided certain physical characteristics are met. The Smoke-Free Ontario Act (SFOA), implemented in May 2006, included restrictions that banned smoking in outdoor public places or workplaces with roofs, overhangs or awnings, but still permitted smoking if such structures were not present.⁸ In May 2006 venues that had permitted smoking and had a roof were required to either go 100% smoke-free or to alter their space physically (eg, remove their roof or awning) to comply with the act.

The objective of the present study was to determine the proportion of restaurants and bars in Ontario with patios that complied with the SFOA by (1) making their patio smoke-free versus (2) making structural alterations (eg, removing roofs or awnings) so that their patio would no longer be subject to the SFOA. The maximum corporate fine listed in the SFOA for non-compliance is up to \$300 000.⁸

METHODS

A telephone survey was conducted during May–August 2007 with owners or managers of restaurants and bars from communities across Ontario. There are more than 18 000 restaurants and bars in Ontario. The sample of venues was drawn from communities serviced by eight of the 36 public health units in four diverse geographic regions—Toronto, Northern Ontario, rural eastern Ontario and southwestern Ontario, which collectively contained 6624 bars and restaurants. Premise lists of bars and restaurants were provided by the public health units, based on their current inspection records; where health units were not able to provide premise lists, purchased commercial-sector lists of venues were used (current to 2006). Two public health units had identified through inspection which venues had patios and for those communities only restaurants and bars identified to have a patio were called. The Toronto premise list had over 3300 venues, so the sample was split into four geographical subsamples (north, east, south and west) of roughly the same size. From each

Brief report

subsample 200 venues were randomly selected and contacted. For the remaining five health units, each venue on the premise lists was contacted. In total, 3293 premises were contacted and, if not already known, screened for the presence of a patio. Patios were present at 22% of venues contacted (n=724), of which 72% (n=519) agreed to participate in the study. These venues were sent an information letter and then their owner or manager was later contacted to complete the survey by phone. It was possible to schedule and complete interviews with 442 (61% of those with patios) within the eight call-attempts procedure followed. The main reason for non-response was difficulty reaching the owner or manager. There were 39 venues that completed the survey that had either added a patio to their operation since the SFOA (n=16) or were a new business since the SFOA (n=23). There were 403 completed surveys for venues that had a patio before and after the SFOA, giving a final response rate of 55% (403/724).

After surveying was complete within a health unit, 20% of venues (n=88) were randomly selected and visited in person to visually verify that their smoking status and physical patio environments were the same as had been reported in the phone survey. These site visits were conducted within 3 weeks of the conclusion of the telephone survey. All 88 site visits confirmed that the information provided during the survey was entirely accurate.

RESULTS

Table 1 presents the smoking status of patios before and after the SFOA by Ontario region. Of the 403 establishments that were open before the SFOA and had a patio before and after the legislation, 5% (n=21) were smoke-free before the SFOA and 25% (n=99) were smoke-free after the SFOA. The increase within each region was statistically significant (all McNemar tests were highly statistically significant). There was no statistically significant difference between the geographical regions (a McNemar test was used for all pairwise comparisons, each test $p>0.05$). Despite the increase in smoke-free venues, the overwhelming majority of patios still permitted smoking among venues surveyed.

Managers or owners were asked to classify their venue as a restaurant, a bar or both (see table 2). Restaurants were further asked if they were mainly a 'family restaurant', which is presented as a subcategory in table 2. There was no change in the proportion of smoke-free patios for the bars in the sample (n=28), since 0% were smoke-free before and after the act. The increase in the proportion of smoke-free patios for the other venue classifications (restaurant and a bar, restaurant and family restaurants), was statistically significant ($p<0.001$, table 2).

Table 1 Smoking status of patio by Ontario region before and after the Smoke-Free Ontario Act (SFOA)

Region	Number of venues with patios	Number (%) of smoke-free patios		Number (%) of venues that became smoke-free	p Value †
		Before SFOA	After SFOA		
Toronto	96	5 (5.2%)	29 (30.2%)	24 (26.4%)	<0.001
Eastern	94	6 (6.4%)	21 (22.3%)	15 (17.0%)	<0.001
Northern	99	8 (8.1%)	29 (29.3%)	*23 (23.2%)	<0.001
Southwest	114	2 (1.8%)	20 (17.5%)	18 (16.1%)	<0.001
Total	403	21 (5.2%)	99 (24.6%)	80 (20.9%)	<0.001

*Two establishments in the northern region regressed from being smoke-free to smoking after SFOA. Therefore the number of venues that went smoke-free in the northern sample was 23 but the net change was only 21.

†p Value for McNemar test for paired comparison.

Of the venues where smoking was permitted before the SFOA, 42% (n=161) had physical structures, such as a roof or awning, that made smoking not permissible under the act. Owners or managers at approximately half of these venues achieved compliance by going smoke-free (n=81), while the other half decided to make physical changes to their environment, thereby being able to continue to permit smoking (n=80). Of the venue owners that decided to go smoke-free, most reported they did not wish to but felt they had no choice given the cost or physical limitations to changing their outdoor environments (51%, n=41). Very few owners or managers indicated that one of the reasons they went smoke-free because it 'was the right thing to do' (6%, n=5) or because they believed their customers preferred it (20%, n=16).

When considering venues in the sample that added a patio since the SFOA and venues that had opened since the SFOA (n=39), 28% (n=11) had smoke-free patios. These results demonstrate that patios constructed in the new policy environment are only slightly more likely to be smoke-free than those that needed to adapt to a new policy, and that the vast majority of new patios permit smoking.

These results demonstrate that the majority of hospitality venues would only make their patios smoke-free if they were required to do so by law.

DISCUSSION AND CONCLUSION

Restricting smoking in outdoor hospitality environments is important to protect workers and the public from involuntary exposure to secondhand smoke. Indoor smoking restrictions often result in smoking behaviour moving to outdoor environments including patios. In Ontario and other jurisdictions, patios are often visible from the street or sidewalk and therefore to youths. If indoor or outdoor smoke-free ordinances result in smoking behaviour becoming more visible, these policies may inadvertently thwart advances to socially de-normalise smoking.

The SFOA resulted in greater protection from secondhand smoke on outdoor patios of restaurants; however, most restaurant patios in Ontario—including most family restaurants—still permitted smoking. There was no observed increase in protection from secondhand smoke on outdoor patios of bars with none reporting they were smoke-free. A large proportion of venues that complied with the SFOA by going smoke-free did so involuntarily because of structural and/or financial limitations. In this study venue owners stated that they generally prefer to permit smoking on their patios and these results indicate that, in most cases, venue operators will make outdoor environments smoke-free only when required by policy. Policy-makers with a priority to create 100% smoke-free places can look to comprehensive laws

Table 2 Smoking status of patio by venue type before and after the Smoke-Free Ontario Act (SFOA)

Venue type	Number of venues with Patios	Number (%) of smoke-free patios		Number (%) of venues that became smoke-free	p Value*
		Before SFOA	After SFOA		
Bar only	28	0 (0%)	0 (0%)	0 (0%)	1.00
Restaurant and bar	163	3 (2%)	33 (20%)	30 (18.8%)	<0.001
Restaurant only	212	18 (8%)	67 (32%)	49 (25.3%)	<0.001
Restaurants that were mainly 'family restaurants'	158	13 (8%)	53 (31%)	40 (25.3%)	<0.001

*p Value for McNemar test for paired comparison.

What this paper adds?

The Ontario experience suggests that approximately 5% of patios will voluntarily be smoke-free in the absence of legislation restricting or requiring it. When smoke-free policies, such as the Smoke-Free Ontario Act, are enacted that permit hospitality venue operators to allow outdoor smoking provided that their patio is open air (ie, with no roof or awning above the patio), the majority of venue operators will take advantage of such opportunities to still allow smoking. Outdoor smoke-free policies that allow for structural concessions do not guarantee smoke-free environments.

such as those found in Newfoundland and Labrador that require all patios to be 100% smoke-free.

This study is limited by the fact that not each community in Ontario was sampled, and respondents self-reported venue type and method of SFOA compliance. The survey also relied on re-call versus a pre-post regulation design. It is also likely that the venues that went smoke-free were more likely to participate in the survey.

Outdoor smoke-free policies that permit smoking provided that certain physical characteristics are met are proposed on the assumption that an open air environment has low levels of secondhand smoke. Research should focus on assessing whether this assumption is true or if patio environments that are open air can have elevated levels of secondhand smoke. Furthermore, it is important to conduct studies to determine the extent to which drifting smoke from a patio may enter into indoor environments, now universally protected in Ontario.

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Competing interests None.

Contributors Each author was involved in the conception and design of the study. Data acquisition was carried out largely by SM, RDK and TE-M with involvement from GF and JD. Each author was involved with data analysis and interpretation of data, and each author contributed to drafting the article.

Ethics approval This study was conducted with the approval of the University of Waterloo.

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