



Administrative Report

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
Director, Legislative and Legal Services/County Solicitor

Date: Wednesday, April 16, 2025

Subject: Non-Smoking and Non-Vaping Policy

Report #: 2025-0416-LLS-R16-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with the necessary background information to approve and adopt a new Non-Smoking and Non-Vaping Policy (the "**New Policy**"), a draft of which is appended to this Report as **Appendix A**.

Background

In 2003, County Council approved a Non-Smoking Policy as a Corporate Policy of the County, being Policy Number 03-002 (the "**Current Policy**"). A copy of the Current Policy is appended to this Report as **Appendix B**.

In the 22 years since the passing of the Current Policy, there have been a number of changes to legislation and other regulatory requirements that the Current Policy does not account for. Specifically, legislative changes have been implemented in the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3 (the "**Smoke-Free Act**"), which have not been addressed in the Current Policy.

Both the *Municipal Act* and the *Smoke-Free Act* now account for the legalization of cannabis and the advent and increasing use of vaporizers and electronic cigarettes, which the Current Policy is silent on and does not account for. As such, the approval and adoption of the New Policy is being recommended.

Discussion

The *Smoke-Free Act* references a number of issues that no one had turned their minds to in 2003, including the introduction of vaporizers and electronic cigarettes and the legalization of cannabis. This has resulted in the Current Policy being outdated and not in line with the current Provincial requirements provided for in the *Smoke-Free Act* and the Regulations thereto.

The New Policy aligns with the *Smoke-Free Act*, now referencing items such as cannabis, vaporizers, and electronic cigarettes and references the existing Non-Smoking By-laws of the County. There is a provision that recognizes that there may be conflicting provisions in the New Policy, the *Smoke-Free Act*, and the County's Non-Smoking By-laws, with the conflict being resolved in favour of the most restrictive interpretation.

Financial Implications

There are no financial implications associated with this Report and the recommendation.

Consultations

The following were consulted during the drafting of the New Policy:

- Brady Boghean, Manager, Corporate Health and Safety
- Justin Lammers, Chief, Essex-Windsor EMS
- Sandra Zwiers, CAO

Strategic Plan Alignment

Working as Team Essex County	Growing as Leaders in Public Service Excellence	Building a Regional Powerhouse
<input type="checkbox"/> Scaling Sustainable Services through Innovation <input type="checkbox"/> Focusing “Team Essex County” for Results <input type="checkbox"/> Advocating for Essex County’s Fair Share	<input checked="" type="checkbox"/> Being an Employer with Impact <input type="checkbox"/> A Government Working for the People <input type="checkbox"/> Promoting Transparency and Awareness	<input type="checkbox"/> Providing Reliable Infrastructure for Partners <input type="checkbox"/> Supporting Dynamic and Thriving Communities Across the County <input type="checkbox"/> Harmonizing Action for Growth <input type="checkbox"/> Advancing Truth and Reconciliation

Recommendation

That Essex County Council receive Report 2025-0402-LLS-R16-DMS as information; and further,

That the Non-Smoking and Non-Vaping Policy appended to this Report as **Appendix A** be approved and adopted as a Corporate Policy of the County of Essex.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., Interim Director, Legislative and Community Services/County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
A	Draft Non-Smoking and Non-Vaping Policy
B	Policy 03-002 – Non-Smoking Policy