

STATES OF JERSEY

r

A TOBACCO STRATEGY FOR JERSEY (P.109/2003): AMENDMENTS

**Lodged au Greffe on 5th August 2003
by Senator E.P. Vibert**

STATES GREFFE

A TOBACCO STRATEGY FOR JERSEY (P.109/2003): AMENDMENTS

- (1) *At the end of paragraph 1(c), insert the words* “, provided that the measures outlined in the strategy shall apply equally to all licensed premises where alcohol is sold and consumed”.
- (2) *After sub-paragraph 1(g)(vi), after the words “eating places” insert the words* “and in all licensed premises where alcohol is sold and consumed”.

SENATOR E.P. VIBERT

REPORT

I wish to amend the tobacco strategy for Jersey proposition (P.109/2003) lodged by the Health and Social Services Committee on 15th July 2003 so that all licensed premises serving alcohol consumed on the premises will be covered by the smoking ban, not just places where food is served.

The proposition before the Assembly dealing with restrictions on smoking in work places and public places is one which, the Committee says, at page 5, paragraph 6, should fully protect non-smokers' rights to smoke-free air in public eating places. Precisely the same doctrine applies to smoke-free air in public drinking places.

Paragraph 7 reads– “The States should take the lead role in increasing the coverage of smoke-free public places. This would involve implementation of smoking policies in their own premises and by developing partnerships and encouraging employers and owners of leisure, eating, drinking and transports facilities to do the same”.

Paragraph 8 reads – “The strategy aims to give legal protection to non-smokers in public places by seeking to prohibit all smoking in public places which serve food-restaurants and hotels serving food, public houses and bars that serve food, cafés, snack bars, tea-shops and canteens”.

It is quite illogical that licensed premises that serve alcohol consumed on the premises should not be included in this policy, especially considering that the definition “licensed premises that serve alcohol which is consumed on the premises” will extend the ban to discos and night clubs which are mainly frequented by young people.

The strategy makes it clear that one of the strategic aims of the proposition is to protect non-smokers from environmental tobacco smoke (passive smoking) (page 4). In their executive summary (page 9) the Committee states “protecting non-smokers from passive smoking and promoting non-smoking as the social norm” as one of its strategic aims. The Committee repeats this on page 11 under the heading “**THE FOLLOWING PRINCIPLES UNDERPIN THE STRATEGY**”.

“All non-smokers, especially children, have a right not to be exposed to tobacco smoke. **Where this conflicts with the choice of smokers to smoke, the rights of non-smokers should prevail.**”

The amendments I am proposing cover all areas where the public should be protected from the effects of cigarette-smoking and are also fully in keeping with the strategies and objectives laid down by the Committee. At the end of this report, for ease of reference, I have shown the practical effect my amendments will have on the wording of the Committee's report and strategy.

Financial and manpower implications

There are no financial or manpower implications for the States of Jersey arising from these amendments.

Effect of my amendments on the Committee's report and Strategy

The practical effect of the amendments I am proposing is as follows –

- (i) *at the end of the section on page 5 of the Committee's report entitled 'Restrictions on smoking in work places, States buildings and other public places' after the words 'shops and canteens' add the words 'and all licensed premises serving alcohol consumed on the premises, public transport, cafés, restaurants and other leisure and sport outlets';*
- (ii) *in Table 1– A Brief Overview of Strategic Interventions on page 12 of the Strategy, under the column entitled 'Interventions', delete the words 'Public Transport, pubs,' and substitute the words 'All licensed premises serving alcohol consumed on the premises, public transport,';*
- (iii) *in paragraph 3 of the section on page 17 of the Strategy entitled RESTRICTIONS ON SMOKING IN WORKPLACES, STATES BUILDINGS AND OTHER PUBLIC PLACES, delete the words 'in all public places which serve food in Jersey' and substitute the words 'in all licensed premises where alcohol is sold*

and consumed and all public places which serve food in Jersey’;

- (iv) *in the table on page 19 of the Strategy entitled ‘AIM: TO RESTRICT SMOKING IN WORKPLACES, STATES BUILDINGS AND OTHER PUBLIC PLACES – ACTION PLAN, in the column entitled ‘Strategic Objective’, after the words ‘in Jersey’, add the words ‘and all licensed premises where alcohol is sold and consumed’;*
- (v) *in the table on page 26 of the Strategy entitled AIM: TO EMPLOY FISCAL AND LEGISLATIVE MEASURES IN ORDER TO ADDRESS THE DEMAND FOR AND SUPPLY OF TOBACCO PRODUCTS – ACTION PLAN, in the column entitled ‘Strategic Objective’, after the words ‘eating places’ add the words ‘and in licensed premises where alcohol is sold and consumed’.*