

Provincial and Territorial Smoke-Free Legislation

Ontario

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-Free Ontario Act (Amended)</i> • <i>Smoke-Free Ontario Amendment Act, 2016</i>, also known as <i>Bill 178</i> (not yet in force) • <i>Making Healthier Choices Act, 2015</i>, also known as <i>Bill 45, 2015, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act</i>
Date in force	<ul style="list-style-type: none"> • May 31, 2006, with new provisions on January 1, 2015, and future dates to be determined
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking prohibited in private homes that operate a daycare, whether or not children are present • Smoking permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities) • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms
Restaurants	<ul style="list-style-type: none"> • Smoking prohibited
Casinos, bingos, etc.	<ul style="list-style-type: none"> • Smoking prohibited
Bars	<ul style="list-style-type: none"> • Smoking prohibited
Public places	<ul style="list-style-type: none"> • Smoking prohibited
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on school grounds • Smoking prohibited within 9 metres of entrances and exits of hospitals, health care facilities, psychiatric facilities • Smoking prohibited in reserved seating area of outdoor sports arenas and entertainment venues • Smoking prohibited on bar and restaurant patios as of January 1, 2015 (uncovered patios that were established by a branch of the Royal Canadian Legion – Ontario Provincial Command prior to November 18, 2013 are exempted) • Smoking prohibited on and within a 20 metre buffer zone of public sports fields and surfaces (owned by a municipality, the province or a postsecondary education institution) as of January 1, 2015 • Smoking prohibited on and within a 20 metre buffer zone of public playgrounds and playgrounds at hotels, motels and inns as of January 1, 2015
Private motor vehicles	<ul style="list-style-type: none"> • <i>Smoke-Free Ontario Amendment Act, 2008</i> • Smoking prohibited in private vehicles with children under the age of 16 present • In force January 21, 2009

Provision for municipalities	<ul style="list-style-type: none"> Section 12 of the <i>Smoke-Free Ontario Act</i> states that municipalities may pass bylaws that are more restrictive and the more restrictive prevail
Summary	<ul style="list-style-type: none"> Since 2005, Ontario has been a national and international leader in tobacco control Legislation is strong for both indoor and outdoor protection from SHS In 2016, Ontario passed <i>Bill 178</i> that, once it comes into effect, will expand the reach of the <i>Smoke-Free Ontario Act</i> beyond tobacco, to prohibit the smoking of medical marijuana in places where smoking of tobacco is prohibited, but the regulatory authority could also be used to apply in future to herbal non-tobacco water pipe products and recreational marijuana, once it becomes legalized Ontario joins Newfoundland and Labrador (2005), Alberta (2007), the Yukon (2008), Nova Scotia (2015), New Brunswick (2015) and Quebec (2015) in prohibiting smoking on patios Ontario was the first province to prohibit smoking on and within 20 metres of playgrounds and publicly owned sports fields (followed by New Brunswick in 2015) As a result of Ontario's encouragement to municipalities to pass smoke-free bylaws, despite the strengthening of Ontario's laws, there are still 130 municipal bylaws in Ontario that exceed the <i>Smoke-Free Ontario Act</i>

Notes

Ontario (2008) was the 3rd Canadian province/territory to pass smoke-free vehicle legislation, in addition to Nova Scotia (2007), Yukon Territory (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

There have been several changes to legislation regulating smoking in public places in Ontario over the last two years. The *Making Healthier Choices Act, 2015*, also known as *Bill 45, 2015, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act* received Royal Assent on May 28, 2015, but not all clauses have come into force yet. The legislation addresses several aspects of the sale, display, packaging and use of electronic cigarettes and the sale, promotion and flavouring of tobacco products, but the following proposed amendments relate specifically to second-hand smoke or second-hand vapour:

- Prohibit the use of electronic cigarettes in public places and workplaces where the smoking of tobacco is prohibited, as well as in private motor vehicles

- Strengthen enforcement to allow for testing of substances used in waterpipes (e.g. hookahs, shisha) in indoor public places

Ontario has also amended Ontario Regulation 48/06 made under the *Smoke-Free Ontario Act* to prohibit smoking on hospital grounds, except in outdoor smoking areas designated (DSAs) by the hospital board. The board's authority to designate smoking areas is limited so that only areas of a certain size, number, location and structure could be designated. DSAs will be prohibited as of January 1, 2018.

Ontario has shown leadership nationally by instituting these new measures. It joins Alberta, Nova Scotia, Newfoundland and Labrador, the Yukon and Quebec in prohibiting smoking on patios. It also now prohibits smoking on and within 20m of playgrounds and on and within 20m of publicly owned sports fields. This is at least double the buffer zone in all other provinces except New Brunswick.

Once the entire *Electronic Cigarettes Act, 2015* is in force, use of e-cigarettes will be prohibited in certain public places, too. Ontario has also legislated in *Bill 178* (not yet in force) that the no smoking rules be expanded to apply to medical marijuana and herbal non-tobacco waterpipe products. This could also help prepare Ontario for the federal legalization of marijuana.

Once all elements of the 2015 and 2016 legislative amendments come into force, Ontario will clearly be at the forefront of legislative reform to protect people from second-hand smoke and second-hand vapour.