

Scan of Second-hand Smoke Protective Legislation that Exceeds the Smoke-Free Ontario Act

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Patios – restaurant and bars 100% ban		
British Columbia:	<i>Capital Regional District #2401 Consolidated (2007)</i>	Smoking prohibited on all patios regardless of whether they are covered by a roof or not.
	<i>Vancouver Health Bylaw No. 9535</i>	Same as above
Alberta:	<i>Smoke-free Places Amendment Act, 2007</i>	Same as above
	<i>Airdrie # B-44/2004</i>	Same as above
	<i>Banff # 222-2/2004</i>	Same as above
	<i>Calgary # 57M92/2003</i>	Same as above
	<i>Cochrane # 17/2006</i>	Same as above
	<i>Devon # 763/2004</i>	Same as above
	<i>Edmonton # 13333/ 2003</i>	Same as above
	<i>Jasper # 061/2005</i>	Same as above
	<i>Red Deer # 3345/2005</i>	Same as above
	<i>St. Albert # 1/2004</i>	Same as above
	<i>Stettler # 1898-04</i>	Same as above
	<i>Sylvan Lake # 1397/2006</i>	Same as above
	<i>Regional Municipality of Wood Buffalo # 07/042</i>	Same as above
Saskatchewan:	<i>Saskatoon # 8286 - 2004</i>	Same as above
Ontario:	<i>Brighton # 277-2005</i>	Same as above
	<i>Burpee and Mills # 03-15</i>	Same as above
	<i>Haldimand County # 391/03</i>	Same as above
	<i>Huron Shores # 04-06</i>	Same as above

Jurisdiction	Legislation	Comments
Ontario cont'd	<i>Kingston # 2002-231</i>	Same as above
	<i>Tehkummah # 2004-08</i>	Same as above
	<i>Thunder Bay # 34-2004</i>	Same as above
Nova Scotia:	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act, 2006</i>	Same as above
	<i>Antigonish # Smoking Bylaw 2003</i>	Same as above
	<i>New Glasgow # 24-2002</i>	Same as above
Newfoundland and Labrador:	<i>Smoke-free Environment Act, 2005</i>	Smoking prohibited on bar and restaurant patios (first province to do so)
Yukon	<i>Smoke-free Places Act (2008)</i>	Smoking prohibited on all patios regardless of whether they are covered by a roof or not.
Patios – restaurant 100% ban		
British Columbia:	<i>Delta # 5891-2001</i>	Smoking prohibited on all restaurant patios regardless of whether they are covered by a roof or not.
	<i>Pitt Meadows # 2090-2002</i>	Same as above
	<i>Port Coquitlam # 285-1998</i>	Same as above
	<i>Port Moody # 2300, 1996</i>	Same as above
	<i>White Rock # 1805, 2007</i>	Same as above
Alberta:	<i>Drayton Valley # 2003/18/P</i>	Same as above
	<i>Redcliff # 1412/2004</i>	Same as above
Nova Scotia:	<i>Region of Queens Municipality # 21 (2004)</i>	Smoking prohibited in the outdoor area of a restaurant, lounge or beverage room except where minors are prohibited entry. Does not apply to an outdoor area of a restaurant, lounge or beverage room while that area is being used exclusively for a private function at which no person under the age of nineteen years is permitted.

Jurisdiction	Legislation	Comments
Nova Scotia cont'd	<i>Cape Breton Regional Municipality Smoking Bylaw (2001)</i>	Smoking prohibited in restaurants, the definition of which includes sidewalk cafes and rooftop patios which are not covered, in whole or in part, by a roof or awning.
	<i>County of Richmond # 55</i>	Smoking prohibited in any restaurant, the definition of which includes sidewalk or patio cafes.
Entrances, exits, air intakes		
Ontario:	<i>Sioux Lookout # 12-03</i>	Smoking prohibited within 2 m of an entrance to a building, structure, or other place in which a workplace is situated.
	<i>Port Hope # 88/2004</i>	Smoking prohibited within 10 m of any door or window of any building owned or leased by Port Hope.
	<i>Northeastern Manitoulin & the Islands # 2003-20</i>	Smoking prohibited within 9 m of any entranceway of a building owned or leased by the town.
	<i>Huron Shores # 04-06</i>	Smoking prohibited within 4 m of any public entranceway to a public building or workplace.
	<i>Thunder Bay #34-2004</i>	Smoking prohibited within 3 m of the entrance to any workplace or public place.
	<i>Haldimand County Bylaw # 296/02</i>	Smoking prohibited within 9 m of any entrance to any building or structure owned, leased or otherwise operated by the municipality.
	<i>Kenora Bylaw #145-2007</i>	Smoking prohibited within 9 m of entrances or exits of city-owned facilities.
	<i>Kingston # 2002-231</i>	Smoking was prohibited beyond 9 m on hospital property; however, when the bylaw was consolidated this provision was accidentally omitted and therefore is not currently being enforced. The intention is to reinstate the provision in the future. ¹

¹ Bylaw services, personal communication, September 28, 2007.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Ontario cont'd	<i>Ottawa Bylaw 2006-6</i>	Smoking prohibited within 9 m of any entrance or exit of a facility or any other building that is owned or leased by the City.
	<i>Peterborough Bylaw # 07-126</i>	Smoking prohibited within 9 m of any entrance, exit or air intake of municipal buildings; smoking prohibited on any land owned by the Peterborough County-City Health Unit.
	<i>Prescott Bylaw #35-2007</i>	Smoking prohibited from the entire town hall property except for in a specific smoking area, and smoking prohibited within 15 feet (4.5 m) of the entrance to any other municipal building.
	<i>Sault Ste. Marie Bylaw # 2007-154</i>	Smoking prohibited within 4 m of the entrances to John Rhodes Community Centre and the McMeeken Centre Arena.
	<i>Spanish-Sables Rivers</i>	Smoking prohibited within 10 m of entranceways to public buildings.
	<i>Thunder Bay # 34-2004</i>	Smoking prohibited within 3 m of entrances to workplaces and public places, and within 3 m in any direction of a booth or stand where food and beverages are sold or offered to the public.
	<i>West Nipissing</i>	Smoking prohibited within 9 m of entranceways and windows of municipal buildings, including community centres, libraries, arenas, garages, the town hall and the sports complex.
Québec:	<i>Tobacco Act 2006</i>	Smoking prohibited within a 9 m radius around entrances and exits of health and social service institutions, colleges and universities, non-residential childcare centres, facilities where activities for minors are held.
Nova Scotia:	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act</i>	Smoking prohibited within 4 m of ventilation air intakes, windows, entrances, exits, licensed outdoor areas.
	<i>Antigonish Smoking Bylaw (2003)</i>	Smoking prohibited within 4 m of all public entrances and air intakes to buildings including windows capable of being opened.
	<i>Berwick Smoke-free Indoor Public Places Bylaw (2002)</i>	Smoking prohibited within 1 m of all public entrances and air intakes to buildings.

Jurisdiction	Legislation	Comments
Nova Scotia cont'd	<i>Mulgrave # 35 (2003)</i>	Smoking prohibited within 4 m of all public entrances and air intakes to buildings.
	<i>New Glasgow # 24 (2003)</i>	Smoking prohibited within 1 m of all public entrances and air intakes to buildings including windows capable of being opened.
	<i>Region of Queens Municipality #21 (2004)</i>	Smoking prohibited within 4 m of an entranceway or exit of any sort, an open window or an intake for a building ventilation system.
	<i>County of Richmond # 55</i>	Smoking prohibited within 5 m of any public entrance or air intake to any public place.
	<i>County of Victoria Non-Smoking Bylaw (2002)</i>	Smoking prohibited within 5 m of any public entrance or air intake to any public place.
	<i>Wolfville # 72 (2002)</i>	Smoking prohibited within 1 m of all public entrances (excluding entrances to individual units used for tourist accommodation) and air intakes excluding windows.
Prince Edward Island:	<i>Smoke-free Places Act, 2002</i>	Smoking prohibited 2.4 m from entrances and exits, 4.5 m from air intakes.
Northwest Territories:	<i>Safety Act, Section 25 – Environmental Tobacco Smoke Work Site Regulations, 2004</i>	Smoking prohibited within 3 m of any workplace or public place entrance or exit.
Nunavut:	<i>Safety Act, Section 25 – Environmental Tobacco Smoke Work Site Regulations, 2004</i>	Same as above
Nunavut:	<i>Tobacco Control Act, 2004</i>	Smoking prohibited within 3 m of any entrance or exit of a workplace or public place; smoking prohibited within 15 m of any entrance or exit of a school.
Nunavut	<i>Iqaluit Bylaw # 570</i>	Smoking prohibited within 3 m of any public entranceway.

Jurisdiction	Legislation	Comments
Yukon	<i>Smoke-free Places Act (2008)</i>	Smoking prohibited within a prescribed distance from a doorway, window or air intake of public places and workplaces, in accordance with the regulations (still to be announced).
British Columbia:	<i>Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act, 2007</i>	Smoking prohibited within 3 m from a doorway, window or air intake of any building, structure, vehicle or any other place that is fully or substantially enclosed.
	<i>Vancouver Health Bylaw No. 9535</i>	Smoking prohibited within 6 m of any building, windows that open and air intakes.
	<i>North Vancouver # 7854 (2007)</i>	Smoking prohibited within 7.5 m of bus shelters.
	<i>White Rock # 1805 (2007)</i>	Smoking prohibited within 7 m of an entrance to a city-owned or leased public building.
Alberta:	<i>Smoke-free Places Amendment Act, 2007</i>	Smoking prohibited within 5 m from a doorway, window or air intake of a public place or workplace.
	<i>Airdrie # B-44/2004</i>	Smoking prohibited within 3 m of an entrance or exit to a public building, city building or workplace.
	<i>Beaumont # 593-03</i>	Smoking prohibited within 6 m of an entrance or exit of any public building, town building or any workplace.
	<i>Calgary #47M 2006</i>	Smoking prohibited within 3 m of an entrance or exit to a public premises, the definition of which includes any place to which the public has access.
	<i>Camrose #2376/03</i>	Smoking prohibited within 3 m of an entrance or exit to a public building, the definition of which includes any place to which the public has access.
	<i>Cochrane # 17/2006</i>	Smoking prohibited within 3 m of an entrance or exit to a work place or public building. The definition of public building includes any building to which the public has access.
	<i>Devon # 763/2004</i>	Smoking prohibited within 3 m of any building entrance or exit.

Jurisdiction	Legislation	Comments
Alberta cont'd	<i>St. Albert # 1/2004</i>	Smoking prohibited within 3 m of any building entrance or exit and on the grounds of an outdoor public event.
	<i>Stettler # 1898-04</i>	Smoking prohibited within 6 m of an entrance or exit to a public building, town building or workplace.
	<i>Strathcona County # 96-2002</i>	Smoking prohibited within 3 m of the main entrance or exit to a designated public place, the definition of which includes places the public normally has access and workplaces.
	<i>Sylvan Lake # 1397/2006</i>	Smoking prohibited within 3 m of an entrance or exit to a workplace or public building, the definition of which includes a place the public normally has access.
	<i>Regional Municipality of Wood Buffalo # 07/042</i>	Smoking prohibited within 10 m of public transportation vehicle shelters, entrances or exits to public buildings and workplaces. Bylaw in effect September 1, 2007.
United States ²		Over 1000 state and local governments have passed laws restricting outdoor smoking near specified enclosed buildings.
Playgrounds, parks, outdoor events		
Ontario:	<i>Belleville # 2007-142</i>	Smoking prohibited in any park or part thereof designated by signs or markers. According to media reports, the bylaw was as much about protecting playground equipment that was getting damaged by discarded butts as it was about protection from SHS.
	<i>Collingwood # 02-109</i>	Smoking prohibited within 25 m of any playground equipment, the definition of which includes municipally-owned swimming pools. The definition of playground equipment does not include facilities for baseball, hockey and walking and biking trails.

² Americans for Non-Smokers' Rights. *Municipalities with ordinances covering outdoor air*. July 3, 2007. The list is not available online but can be obtained by contacting the organization.

Jurisdiction	Legislation	Comments
Ontario cont'd	<i>New Tecumseth #2002-114</i>	Smoking prohibited within 10 m of any playground area established and fitted with equipment (slides, swings, etc.).
	<i>Peterborough Bylaw #07-126, As Amended, Being a Consolidated Bylaw Respecting Smoking in Certain Public Places in the City of Peterborough</i>	Smoking prohibited at the Riverview Park and Zoo, including the playground, the train station and platform, and the green space bounded by the fence.
	<i>Orillia – proposed bylaw (September 2007)</i>	Smoking would be prohibited around playgrounds. Bylaw has been referred to the city's recreation advisory committee, parks and recreation and legislative services departments for comment.
Alberta:	<i>Calgary # 47M 2006</i>	Smoking prohibited in Olympic Plaza.
	<i>Devon # 763/2004</i>	Smoking prohibited on the grounds of an outdoor public event, except in an area reserved for motor vehicle parking. Outdoor public event is defined as an outdoor market, festival or concert.
	<i>St. Albert # 1/2004</i>	Same as above.
Saskatchewan:	<i>Saskatoon # 8286/2004</i>	Smoking prohibited in the portion of a tent or other portable shelter used in connection with a community event that is open to the public or to which the public is admitted or invited and for which a permit or an endorsement or extension to an existing permit has been issued pursuant to <i>The Alcohol and Gaming Regulation Act, 1997</i> .
Nova Scotia:	<i>Bridgewater Outdoor Spaces Bylaw (passed third reading March 25, 2008). Comes into force in a few months.</i>	Smoking prohibited on all outdoor town property including parks, playgrounds, sports and recreational facilities, the grounds of town buildings, and at events such as festivals, markets, concerts and parade routes. The initial bylaw had proposed banning smoking on roads and sidewalks, but this was scaled back.

Jurisdiction	Legislation	Comments
California	<i>Health and Safety Code, section 104495</i>	Smoking prohibited within 25 feet (7.6 m) of any playground or tot lot sand box area, except those on private property.
United States ³		There are 309 American municipalities that have 100% smoke-free park ordinances. This list does not include parks with designated smoking areas, smoke-free buffer zones around play structures or those that only offer protection during youth events. Seventeen municipalities have smoke-free zoos. In total, over 1000 state and local governments have passed laws of varying strength restricting outdoor smoking at playgrounds and other outdoor public areas including parks, plazas, stadiums, sports and entertainment pavilions and outdoor theatres. ⁴
Beaches		
United States ⁵	<i>Municipal code amendments.</i>	Sixty-two municipalities have 100% smoke-free beach ordinances, with the list excluding beaches with designated smoking areas. In fact, 96% of the coastline in southern California is totally smoke-free. ⁶
Australia		In New South Wales 5 city councils have smoke-free beaches, including the famous Bondi and Manley beaches, and in Queensland all patrolled beaches are smoke-free. ⁷

³ Americans for Non-Smokers' Rights. *Municipalities with smokefree park laws*. April 1, 2008. www.no-smoke.org/pdf/SmokefreeParks.pdf. Accessed April 8, 2008.

⁴ Americans for Non-Smokers' Rights. Some of the most restrictive outdoor smoking provisions are in California. For example, the City of Santa Monica recently amended its municipal code, making it one of the most restrictive jurisdictions in the United States. Chapter 4.44 of the Santa Monica Municipal Code prohibits smoking: in any public park, on any public beach, anywhere on the Santa Monica pier, in any outdoor service area including bus stops, ATM lines, information kiosks and theatre lines, in any outdoor dining area, within 20 feet (6 m) of the entrance, exit or open window of any building open to the public, the Third Street Promenade and at any Farmers Market.

⁵ Americans for Non-Smokers' Rights. *Municipalities with smokefree beach laws*. April 1, 2008. www.no-smoke.org/pdf/SmokefreeBeaches.pdf. Accessed April 8, 2008.

⁶ County of Los Angeles Public Health. For a map, see http://www.lapublichealth.org/tob/pdf/Beach_Feb_22_07revised.pdf. Accessed September 25, 2007.

⁷ New Zealand Herald. *We'll not light them on the beaches*. March 24, 2008. www.nzherald.co.nz/section/2/story.cfm?c_id=2&objectid=10499768

Jurisdiction	Legislation	Comments
Private vehicles⁸		
Wolfville, Nova Scotia	<i>Bylaw #89, Smoke Free Vehicles Bylaw (2007)</i>	Smoking prohibited in private vehicles with children under the age of 18 present. The definition of smoking is broad and includes weed, plant, regulated narcotic or other combustible substance.
Nova Scotia	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act (2007)</i>	Smoking prohibited in private vehicles with children under the age of 19 present.
British Columbia	<i>Throne speech (Feb. 2008) announced government would introduce a ban</i>	Private Member's Bill introduced Nov. 2007 banning smoking in private vehicles with children under the age of 16 present.
Ontario	<i>Government announced it will introduce a bill in the spring legislative session (2008), based on Bill 11, a Private Member's Bill</i>	Bill 11 amends the <i>Smoke-Free Ontario Act</i> by prohibiting smoking in private vehicles with children under the age of 16 present.
Yukon Territory	<i>Smoke-free Places Act, 2008 (amended and pending third reading). Second reading March 28, 2008. Set to come into force May 15, 2008.</i>	Smoking to be prohibited in private vehicles with children under the age of 18 present. This is a private member's bill that was brought forward with support from the government.
Prince Edward Island	<i>Government announced in March 2008 a bill to be introduced in fall legislative session.</i>	

⁸ There have been media reports indicating that elected officials are considering introducing legislation in New York City, Massachusetts, South Carolina and Chatham, New Jersey.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Arkansas	<i>Act 13 of 2006 Arkansas Protection From Secondhand Smoke for Children Act of 2006</i>	Smoking prohibited in all motor vehicles in which a child who is less than 6 years of age and who weighs less than 60 lbs is restrained in a child passenger safety seat properly secured to the vehicle.
Louisiana	<i>Revised Statute 32:300.3 Smoking in motor vehicles; penalties</i>	Smoking prohibited when a child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt as required in R.S. 32:295 is present, regardless of whether the windows are down. Present law requires restraint of children under the age of 13.
California	<i>Marco Firebaugh Memorial Children's Health and Safety Act, 2007 (Article 2.5 of the Health and Safety Code)</i>	Smoking prohibited in all motor vehicles with a child under the age of 18 present. This prohibition shall not be considered a primary infraction—law enforcement officers cannot stop a vehicle for the sole purpose of determining whether the driver is in violation of the law. Definition of smoking is broad and includes "any other plant."
Keyport, New Jersey	<i>Ordinance 13-07 An Ordinance Creating Chapter 4-10 Motor Vehicles; Section s.4-10.1</i>	Smoking prohibited in motor vehicles when a child under the age of 18 is also present.
Bangor, Maine	<i>Smoking in Motor Vehicles [Added 1-8-2007 by Ordinance No. 07-50]</i>	Smoking prohibited in a motor vehicle when any person under the age of 18 is present, regardless of whether the windows are down.
Maine	<i>Bill introduced March 2008; won initial vote of approval but requires further House and Senate voting.</i>	Smoking to be prohibited in motor vehicles when any child under the age of 16 is present.

Jurisdiction	Legislation	Comments
Rockland County, New York	<i>Ordinance No. 6 of 2007 Rockland County Kids in Cars Smoking Safety Act</i>	Smoking prohibited in a motor vehicle when any child under the age of 18 is present.
South Australia	<i>Tobacco Products Regulation Act 1997, S. 48 – Smoking in motor vehicle in child present (2006)</i>	Smoking prohibited in a motor vehicle when any child under the age of 16 is present.
Puerto Rico ⁹	<i>Only available in Spanish.</i>	Smoking prohibited in a motor vehicle if a child under the age of 13 is present.
Tasmania, Australia	<i>Public Health Act 1997 Amended (2007) – Restrictions on smoking in vehicles.</i>	Smoking prohibited in a motor vehicle if a child under the age of 18 is present.
Australian Capital Territory	<i>ACT is considering similar legislation to Tasmania</i>	Press release from Chief Minister Jon Stanhope dated June 6, 2007 indicates that the Government is considering reforms that include the prohibition of smoking in cars with children present.
Multi-unit dwellings (MUDs)¹⁰		

⁹ Information provided by Michael DeRosenroll, Canadian Cancer Society. Personal communication, September 25, 2007.

Jurisdiction	Legislation	Comments
California	<i>SB 1598 (Padilla – D, San Fernando Valley) Secondhand Smoke Spot Bill</i>	Senate Bill 1598 makes legislative findings about secondhand smoke. Currently, this bill is a “spot bill” meaning that it was introduced containing only non-substantive changes to existing law. This is done in order to meet the deadline to introduce legislation allowing the author to amend the bill once language and/or policy has been decided upon. While the bill does not currently contain such language, the author’s office has indicated that SB 1598 will be amended to permit landlords to prohibit smoking within rental units. ¹¹
Belmont, California	<i>Ordinance #1032 Regulating Second-hand Smoke and Amending Chapter 20.5 of the Belmont Municipal Code. (Passed Sept. 25, 2007, in effect November 2007)</i>	This ordinance contains the strongest smoking restrictions in the United States. Smoking prohibited in individual units of multi-unit residences, if such units share at least one common floor or ceiling with another unit. The definition of unit includes private outdoor spaces such as balconies, decks and patios, and the definition of smoking includes “other plants” as well as hookahs. Outdoor designated smoking areas of multi-unit residences must be at least 20 feet (6 m) from any operable window or door used by the public of an indoor area where smoking is prohibited, as well as being located at least 20 feet away from outdoor play areas used by children. There is a 14-month phase-in period, until Jan. 9, 2009. The law requires specific provisions to be included in all lease terms, and it is considered a material breach of the lease to smoke or allow smoking on the property.
Oakland, California	<i>An ordinance amending Oakland Municipal Code.</i>	All landlords in multi-housing complexes are required to disclose to prospective tenants whether smoking is permitted in the unit to

¹⁰ According to an agenda report of the Office of the City Administrator for Oakland, California, the jurisdictions of Arcata, Chico, Davis, Contra Costa County, San Mateo County, Emeryville and Healdsburg have enacted prohibitions against smoking in the common outdoor areas of multi-unit housing. To see a copy of the report, visit Oakland online at www.oaklandnet.com/. Accessed September 25, 2007.

¹¹ Center for Tobacco Policy and Organizing. www.center4tobaccopolicy.org.

Jurisdiction	Legislation	Comments
	<i>Chapter 8.30.050. (Oakland City Council voted for final passage Dec. 4, 2007, effective immediately).</i>	be rented, which units are designated smoking units, and the smoking policy for the complex. In addition, condominium sellers are required to disclose to prospective buyers whether smoking is permitted in the unit and the smoking policy for the complex.
Temecula, California	<i>Municipal Code Chapter 17.30 Smoking in Multi-Unit Residences</i>	In every MUD first occupied by a resident or tenant more than 6 months after the effective date of this chapter and containing 10 or more units, at least 25% of the units (including private outdoor spaces associated with such units including balconies, patios and decks) shall be designated as non-smoking unit. Non-smoking units must be grouped together. If a multi-unit residence is comprised of multiple buildings, then non-smoking units shall be located together in a separate building.
Emeryville, California	<i>Municipal Code Chapter 5.29. Smoking Pollution Control</i>	Smoking prohibited within 25 feet (7.6 m) of all multi-family residential complex entryways and vents.
New Jersey	<i>New Jersey Smoke-free Air Act (2006)</i>	Smoking prohibited in student dormitories that are owned and operated or otherwise utilized by a public or private institution of higher education.
Illinois	<i>Illinois Clean Indoor Air Act, Section 4.5</i>	Same as above
Wisconsin ¹²		Smoking prohibited in University of Wisconsin housing.
Connecticut ¹³		Smoking prohibited in all public college dormitories.
Tennessee ¹⁴		A law allows public universities to prohibit smoking in dormitories.
Hotels, motels, inns		

¹² Karen Blumenfeld, New Jersey GASP. Personal communication, September 25, 2007.

¹³ *ibid*

¹⁴ *ibid*

Jurisdiction	Legislation	Comments
Québec	<i>Québec Tobacco Act Section 6 (2006)</i>	Sixty percent of rooms in any type of guest accommodation must be smoke-free, and also contiguous. For small establishments like B&Bs with just one or two rooms, this means they must be completely smoke-free.
New Brunswick	<i>Smoke-free Places Act Sections 5 & 6 (2004)</i>	For hotel and other temporary guest rooms that are constructed or substantially renovated after the <i>Act</i> came into force, guest rooms designated for smoking must have a separate ventilation system.
Manitoba	<i>Non-Smokers Health Protection Act (Various Acts Amended) Section 3(2) (2004)</i>	Same as above
County of Huron, Ontario	<i>Bylaw #21, 2003 A Bylaw to Regulate Smoking in Public Places and Workplaces in Huron County Sections 1.13, 2.1, 2.2</i>	Huron County was the first municipality in Canada to offer visitors 100% smoke-free rental accommodation. For the purposes of this bylaw, the definition of private residence does not include hotels, motels, B&Bs, etc. Approximately 100 temporary guest accommodation establishments are affected by this bylaw.
Canmore, Alberta	<i>Bylaw #23-2006 Section 2.23 (b) September, 2006</i>	If an employee works in any portion of a building, the entire building shall be deemed to be a workplace (includes hotel and motel rooms).
United States ¹⁵		Twenty-one states, as well as dozens of American municipalities, have laws requiring that a certain percentage of hotel rooms be designated as non-smoking.
Second-hand smoke declared a		

¹⁵ Americans for Non-Smokers' Rights. *State and local laws restricting smoking in hotel and motel guest rooms*. April 1, 2008. www.no-smoke.org/pdf/statelocalawshotelrooms.pdf. Accessed April 7, 2008.

Jurisdiction	Legislation	Comments
public nuisance		
Utah	<i>Utah Code section 78-38-1(3):Second-hand Smoke Amendments</i>	A nuisance under this section includes tobacco smoke that drifts into any residential unit a person rents, leases, or owns, from another residential or commercial unit and this smoke: (a) drifts in more than once in each of two or more consecutive seven-day periods.
Dublin, California	<i>Municipal Code Chapter 5.56 Smoking Pollution Control, Section 5.56.160</i>	Second-hand smoke constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate SHS as a nuisance.
Calabasas, California	<i>Municipal Code Chapter 8.12 Second-hand Smoke Control</i>	The City Council declares that exposing other persons to second-hand smoke constitutes a public nuisance and may be remedied as such.
Belmont, California	<i>Ordinance #1032 Regulating Second-hand Smoke and Amending Chapter 20.5 of the Belmont Municipal Code. (2007)</i>	Nonconsensual exposure to second-hand smoke is a nuisance, and the uninvited presence of second-hand smoke on property is a nuisance and a trespass.
Nursing homes, long-term care facilities		
Hamilton, Ontario	<i>Bylaw # 02-054</i>	Sunset clause on designated smoking rooms May 31, 2008 in residential care facilities.
Peterborough County, Ontario	<i>Bylaw # 30-2003</i>	Smoking prohibited.
Greater Sudbury, Ontario	<i>Bylaw # 2002-300</i>	Smoking prohibited.
Wellington County, Ontario	<i>Bylaw # 4585-03</i>	Smoking prohibited as of 12/08/08.

Jurisdiction	Legislation	Comments
United States ¹⁶		New Jersey, Washington State, North Carolina and Delaware County, Indiana have laws prohibiting smoking in nursing homes. In addition, twenty-three nursing homes in the United States have voluntarily adopted 100% smoke-free building and indoor areas policies. ¹⁷
Foster Care Homes		
New Jersey	<i>New Jersey Smoke-free Air Regulations (2006)</i> Adopted by regulation on December 19, 2005, and took effect on February 6, 2006. It expires on February 6, 2011.	All resource family homes are required to be smoke-free; cars that transport the resource family child are to be smoke-free, and no smoking outdoors if a resource family child is present. The term resource family homes, rather than foster homes, is now used. Resource family homes include homes previously categorized as foster homes, adoptive homes, family friend homes and relative care homes.
Illinois	<i>Smoke Free Illinois Act (2008)</i>	Smoking prohibited in private residences, which are considered workplaces, where children in foster care live.
Arizona	<i>Arizona Administrative Code 6-5-7465 (2006)</i>	Smoking prohibited in foster homes and vehicles.
Maine	<i>Code of Maine Rules, 10-148, Chapter 16, Section 9 (2004)</i>	Smoking prohibited in a foster home within 12 hours of the child arriving, and in a vehicle within 12 hours of transporting a foster child.
Montana	<i>Administrative Rules of Montana, 37-51-825 (13) (2006)</i>	Smoking prohibited in foster homes and vehicles.
North Dakota	<i>North Dakota Administrative Code, 75-03-14-04 (2007)</i>	Smoking prohibited in foster homes.

¹⁶ Center for Social Gerontology. Personal communication with Jim Bergman, September 26, 2007.

¹⁷ Americans for Non-Smokers' Rights. 100% Smokefree U.S. hospitals and nursing homes. April 1, 2008. www.no-smoke.org/pdf/smokefreehealthcare.pdf. Accessed April 7, 2008.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Oregon	<i>Oregon Administrative Rules, 413-200-0335, 7(a),(b) (2001)</i>	Smoking prohibited in foster homes and vehicles.
Washington State	<i>Washington Revised Code. Smoking in Public Places Act. 70-160-011 (2005)</i>	Smoking prohibited in all public places and workplaces. A public place includes a private residence used to provide foster care.
Texas	<i>Texas Administrative Code. 40-749-2931 (2007)</i>	Smoking prohibited in foster homes and vehicles.