

Non-Smokers' Rights Association Smoking and Health Action Foundation

March 2008

British Columbia

Name of legislation	<ul style="list-style-type: none"> • <i>Tobacco Control Act</i>
Date in force	<ul style="list-style-type: none"> • March 31, 2008
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in DSRs by in-patients or residents of community care facilities, assisted living residences, extended care hospitals or private hospitals • Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests
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 within 3 metres of any doorway, open window or air intake of a public place or workplace • Smoking permitted on outdoor patios provided they are not fully or substantially enclosed (meaning having a roof or other covering and more than 50% of the nominal wall space is enclosed such that air flow is impeded). The 3 metre buffer zone does not apply on patios provided doorways are kept closed (except to enter or exit) and windows or air intakes are closed at all times when the patio is in use • Business owners are not required to enforce the 3 metre buffer zone if it extends onto public property such as a sidewalk, unless the person smoking is an employee or otherwise under the control of the employer • Smoking prohibited on school property
Provision for municipalities	<ul style="list-style-type: none"> • Not within the <i>Tobacco Control Act</i> • Section 523 (Health Protection Authority) of the

	<i>Local Government Act</i> permits bylaws to be passed that, if stronger, take precedence
Summary	<ul style="list-style-type: none"> • This legislation is a big improvement over the previous WCB regulations that permitted DSRs in workplaces and public places • Indoor protection offered by the <i>Tobacco Control Act</i> allows British Columbia to catch up with most of the rest of Canada • Inclusion of a 3 metre buffer zone around doorways, windows and air intakes of most workplaces and public places reflects a new generation of protection from SHS and thus exceeds outdoor protection offered in most other jurisdictions • However, the new legislation does not make BC a leader as smoking continues to be permitted on outdoor patios • Legislation is strong for indoor places but middle of the road for outdoor places

Notes

In November 2007 New Democrat MLA Leonard Krog introduced a private member's bill—M232, *Smoke Free Cars Act, 2007* to ban smoking in private vehicles when children under the age of 16 are present. At the time the Liberal government was opposed, with Health Minister George Abbott saying that British Columbians were not ready for such legislation. However, in the BC Throne Speech on February 12, 2008, the government reversed its position and announced that it would bring forward legislation. Nova Scotia became Canada's first province to ban smoking in private vehicles with minors present, in December 2007.