

## *Smoke-Free Legislation: Workplaces and Public Places*

# British Columbia

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Name of legislation	<ul style="list-style-type: none"> <li>• <i>Tobacco Control Act</i></li> <li>• <i>Tobacco Control Amendment Act, 2015</i></li> </ul>
Date in force	<ul style="list-style-type: none"> <li>• March 31, 2008 and the 2015 Act will come into force by regulation of the Lieutenant Governor in Council (date to be determined)</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking permitted in DSRs by in-patients or residents of community care facilities, assisted living residences, extended care hospitals or private hospitals</li> <li>• Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Casinos, bingos, etc.	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Public places	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Outdoor provisions	<ul style="list-style-type: none"> <li>• Smoking prohibited within 3 metres of any doorway, open window or air intake of a public place or workplace</li> <li>• 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</li> <li>• 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</li> <li>• Smoking prohibited on school property</li> </ul>
Provision for municipalities	<ul style="list-style-type: none"> <li>• Not within the <i>Tobacco Control Act</i></li> <li>• Section 523 (Health Protection Authority) of the <i>Local Government Act</i> permits bylaws to be passed that, if stronger, take precedence</li> </ul>

Summary	<ul style="list-style-type: none"> <li>• Inclusion of a 3 metre buffer zone around doorways, windows and air intakes of most workplaces and public places. However, 3 m is not a great enough distance to prevent the smoke from entering the building, creating a nuisance and health hazard for people entering and exiting. At least 7 m is recommended based on outdoor SHS scientific research.</li> <li>• Indoor protection offered by the <i>Tobacco Control Act</i> has allowed British Columbia to catch up with most of the rest of Canada</li> <li>• However, the Province of BC is not an overall smoke-free leader, as smoking continues to be permitted on outdoor patios</li> <li>• <b>Legislation is strong for indoor places, and will be even stronger once electronic cigarettes are added to the products prohibited, but the legislation is middle of the road for outdoor places</b></li> </ul>
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### ***Private Vehicles with Children Present***

Name of legislation	<ul style="list-style-type: none"> <li>• <i>Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008</i></li> </ul>
Date in force	<ul style="list-style-type: none"> <li>• April 7, 2009</li> </ul>
Private Vehicles	<ul style="list-style-type: none"> <li>• Smoking prohibited in private vehicles with children under the age of 16 present</li> </ul>

#### **Notes**

British Columbia (2008) was the 4<sup>th</sup> Canadian province/territory to pass smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008) and Ontario (2008). Since that time New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010) and Newfoundland and Labrador (2011), Alberta (2012), and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

The government of British Columbia also provides protection for children in foster care through the Smoke-Free Environment Policy (not a law). As of May 1, 2008, new foster parents are expected to provide a smoke-free environment in their homes and cars. This policy does not ban smokers from becoming foster parents or require foster parents to quit smoking.

On March 5, 2015 British Columbia introduced Bill 14—the *Tobacco Control Amendment Act, 2015*—to prohibit the use of electronic cigarettes in indoor public spaces and workplaces. It received Royal Assent on May 14, 2015, but will come into force in future by regulation of the Lieutenant Governor in Council (date to be determined). The *Tobacco*

*Control Act* will then be renamed the *Tobacco and Vapour Products Control Act*. It will ban e-cigarette use on school grounds and in vehicles with passengers under the age of 16 present. It will also limit use on the properties of health authorities, but designated smoking/vaping areas will still be allowed. This legislation covers all electronically generated vapour products—including e-cigarettes and any other substances to be inhaled.