

**Provincial and Territorial Smoke-free Legislation/Regulations/Policies**

Province or Territory	Workplaces	Public Places	Restaurants	Bars	Ability of Municipalities to Pass More Restrictive By-laws
British Columbia	-No provincial legislation - <i>British Columbia Occupational Health and Safety Regulation</i> (WCB) for all workplaces -DSRs required for all workplaces	-No provincial legislation -All public places are considered workplaces and are therefore regulated by the Workers Compensation Board through the <i>British Columbia Occupational Health and Safety Regulation</i>	-Smoking restricted -DSRs required if restaurant does not declare itself 100% smoke-free	-Smoking restricted -DSRs required: cannot exceed 45% of total floor space	-WCB regulations do not override municipal by-laws -Yes: Section 523 of <i>Local Government Act</i> -15% of province protected by Gold Standard by-laws
Alberta	- <i>Protection from Second-hand Smoke in Public Buildings Act</i> -Smoking restricted in all provincial (“public”) government work sites - DSRs required	- <i>Protection from Second-hand Smoke in Public Buildings Act</i> defines public places as buildings or structures owned or leased by the Crown, or owned by a provincial corporation -Smoking restricted, DSRs required -Many places to which the public has access are exempt	-Exempt	-Exempt	-Yes: Section 7(a) of <i>Municipal Government Act</i> -55% of province protected by Gold Standard by-laws
Saskatchewan	- <i>Tobacco Control Amendment Act</i> -Smoking prohibited at all provincial government work sites and many public sector work sites -DSRs required in certain workplaces - Current workplace regulations for all other workplaces, <i>The Occupational Health and Safety Regulations 1996</i> , do not adequately protect employees	- <i>Tobacco Control Amendment Act</i> prohibits smoking in enclosed public places -Includes such outdoor public places as patios, entry ways, sports facilities and stadiums, and common areas of residential buildings	-Smoking prohibited	-Smoking prohibited	-Yes: Section 3(15) of <i>Tobacco Control Act</i> -29% of province protected by Gold Standard by-laws
Manitoba	- <i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> -Smoking prohibited in all indoor workplaces and in most other places where people work or live together	- <i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> includes enclosed places to which the public has access -Smoking prohibited in enclosed public places	-Smoking prohibited	-Smoking prohibited	-Yes: Section 6(2) of <i>Non-Smokers Health Protection Act</i> -100% of the province protected at a Gold Standard level

DSR = enclosed and separately ventilated Designated Smoking Room  
DSA = unenclosed Designated Smoking Area

Non Smokers' Rights Association  
July 19, 2004

Province or Territory	Workplaces	Public Places	Restaurants	Bars	Ability of Municipalities to Pass More Restrictive By-laws
Ontario	- <i>Smoking in the Workplace Act</i> -Smoking restricted in private sector workplaces under provincial jurisdiction (unenclosed DSAs permitted) -Smoking prohibited in many public workplaces (DSRs required in some cases)	- <i>Tobacco Control Act</i> -Smoking prohibited in many portions of places that are open to the public, and to which children have access -DSAs permitted in other public places including common areas of shopping malls	-Exempt	-Exempt	-Yes: Section 11(1 & 2) of <i>Smoking in the Workplace Act</i> , section 12 of <i>Tobacco Control Act</i> , and section 213 of <i>Municipal Act</i> -51% of province protected by Gold Standard by-laws
Quebec	- <i>The Tobacco Act</i> -Smoking restricted in provincial government work sites and many public workplaces (separately ventilated DSAs required)	- <i>The Tobacco Act</i> -Smoking prohibited in provincially-run facilities for children -Smoking restricted in some facilities including shopping malls and cultural/artistic facilities -DSRs required	-Smoking restricted -DSAs not to exceed 40% of floor space -Partitioned walls (no doors required) and ventilation required for restaurants with 35+ seats	-Exempt	- Unresolved jurisdictional issues - <i>Tobacco Act</i> does not explicitly grant power to municipalities -0% of province protected by Gold Standard by-laws
New Brunswick	- <i>Smoke-free Places Act</i> -Smoking prohibited in all indoor enclosed workplaces in which employees perform the duties of their employment, but does not include private residences, group living facilities, or some hotel rooms	- <i>Smoke-free Places Act</i> - Smoking prohibited in enclosed public places including outdoor bus or taxi shelters, and outdoor eating and drinking areas	-Smoking prohibited	-Smoking prohibited	-Yes: Section 11(1) of <i>Municipalities Act</i> -100% of the province protected at a Gold Standard level
Nova Scotia	- <i>Smoke-free Places Act: An Act to Protect Young Persons and Other Persons from Tobacco Smoke</i> -Smoking prohibited at all provincial government work sites and many public workplaces	- <i>Smoke-free Places Act: An Act to Protect Young Persons and Other Persons from Tobacco Smoke</i> -Smoking prohibited in many enclosed public places including schools, daycares, health care facilities and malls	-Smoking restricted to DSAs; not to exceed 25% of seating area -On outdoor patios, smoking area restricted to 50% of seating	-Smoking restricted to DSAs 6 am – 9 pm, cannot exceed 25% of seating area -Smoking unrestricted after 9pm	-Yes: Section 16(2) of <i>Smoke-free Places Act</i> -20% of province protected by Gold Standard by-laws
Prince Edward Island	- <i>Smoke-free Places Act</i> -Smoking prohibited in many public workplaces -DSRs required in other workplaces	- <i>Smoke-free Places Act</i> -Smoking prohibited in many public places including day care centres, schools, hospitals, malls, recreational facilities, taxis, etc. -DSAs required in other public places	-DSRs required; no further requirements noted	-DSRs required; no further requirements noted	-Yes: Section 3 of <i>Smoke-free Places Act</i> -0% of province protected by Gold Standard by-laws

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July 19, 2004

Province or Territory	Workplaces	Public Places	Restaurants	Bars	Ability of Municipalities to Pass More Restrictive By-laws
Newfoundland	<p><i>-Smoke-free Environment Act (Amended): An Act Respecting a Smoke-free Environment in the Workplace and in Public Places in the Province</i></p> <ul style="list-style-type: none"> <li>-Smoking prohibited at all provincial government work sites and many public workplaces</li> <li>- DSRs and DSAs required in other workplaces</li> </ul>	<p><i>-Smoke-free Environment Act (Amended): An Act Respecting a Smoke-free Environment in the Workplace and in Public Places in the Province</i></p> <ul style="list-style-type: none"> <li>-Smoking prohibited in public places open to youth, and many other public places including retail stores, acute health care facilities, etc.</li> <li>-Smoking permitted in other public places - DSAs not to exceed 20% of the seating or other area, or DSR with separate ventilation</li> </ul>	<ul style="list-style-type: none"> <li>-Smoking prohibited if no liquor license (public places open to youth under 19 years)</li> <li>-Smoking prohibited 9 am – 8:30 pm if facility has a liquor license</li> </ul>	<ul style="list-style-type: none"> <li>-Smoking restricted to ventilated DSA or DSR with no more than 50% of total seating area</li> </ul>	<ul style="list-style-type: none"> <li>-Yes: Section 13(1) of <i>Smoke-Free Environment Act</i></li> <li>-0% of province protected by Gold Standard by-laws</li> </ul>
Yukon	<ul style="list-style-type: none"> <li>-No territorial legislation</li> <li>-Government policy applies only to employees under the Public Service Act and the Education Act</li> <li>-Smoking prohibited on most premises owned or leased by the Yukon Government</li> </ul>	<ul style="list-style-type: none"> <li>-No territorial legislation</li> <li>-Public places exempt, except for those public portions of Yukon Government premises</li> </ul>	<ul style="list-style-type: none"> <li>-Exempt</li> </ul>	<ul style="list-style-type: none"> <li>-Exempt</li> </ul>	<ul style="list-style-type: none"> <li>-Yes: Yukon <i>Municipal Act</i></li> <li>-67% of territory protected by Gold Standard by-laws</li> </ul>
Northwest Territories	<ul style="list-style-type: none"> <li>-No territorial legislation</li> <li>-New <i>Environmental Tobacco Smoke Work Site Regulations</i> under section 25 of the <i>Safety Act</i> ban smoking in all workplaces</li> <li>-DSRs permitted only where workers or others live within a work site, provided no smoke enters the work site (hotels, elders' homes, fly-in mine sites)</li> <li>-DSAs permitted in underground mines where workers cannot get to surface during entire shift</li> <li>-Employers may permit smoking in private residential units and in DSAs outside of work sites</li> </ul>	<ul style="list-style-type: none"> <li>-No territorial legislation</li> <li>-New regulations under section 25 of the <i>Safety Act</i> require all workplaces to be smoke-free</li> <li>-Most public places considered workplaces under the <i>Safety Act</i></li> </ul>	<ul style="list-style-type: none"> <li>-Smoking prohibited</li> <li>-Covered under workplace restrictions</li> </ul>	<ul style="list-style-type: none"> <li>-Smoking prohibited</li> <li>-Covered under workplace restrictions</li> </ul>	<ul style="list-style-type: none"> <li>-Absent in government policy</li> <li>-44% of territory protected by Gold Standard by-laws</li> </ul>

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Province or Territory	Workplaces	Public Places	Restaurants	Bars	Ability of Municipalities to Pass More Restrictive By-laws
Nunavut	<ul style="list-style-type: none"> <li>-<i>Tobacco Control Act</i></li> <li>-Prohibits smoking in all workplaces, with limited exceptions; smoking areas to be determined by the regulations</li> <li>-New <i>Environmental Tobacco Smoke Work Site Regulations</i> under Section 25 of the <i>Safety Act</i> ban smoking in all workplaces and within 3 metres of any workplace entrance/exit</li> <li>-DSRs permitted only where workers or others live within a work site, provided no smoke enters the work site (hotels, elders' homes, fly-in mine sites)</li> <li>-DSAs permitted in underground mines where workers cannot get to surface during entire shift</li> <li>-Employers may permit smoking in private residential units and in DSAs outside of work sites</li> </ul>	<ul style="list-style-type: none"> <li>-Amendments to the <i>Safety Act</i> cover most public places that are also workplaces and are more restrictive than provisions of the <i>Tobacco Control Act</i></li> <li>-No exemptions for bars or restaurants</li> </ul>	<ul style="list-style-type: none"> <li>-Smoking prohibited</li> <li>-Covered under new <i>Safety Act</i> Regulations</li> <li>-Exempt for two years after <i>Tobacco Control Act</i> enacted</li> </ul>	<ul style="list-style-type: none"> <li>-Smoking prohibited</li> <li>-Covered under new <i>Safety Act</i> Regulations</li> <li>-Exempt for two years after <i>Tobacco Control Act</i> enacted</li> </ul>	<ul style="list-style-type: none"> <li>-Yes: Sections 25 and 26 of <i>Tobacco Control Act</i></li> <li>-0% of territory protected by Gold Standard by-laws</li> </ul>

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## British Columbia

Name of Regulation	<ul style="list-style-type: none"> <li>Amended Part 4 of the <i>Occupational Health and Safety Regulation Re: Environmental Tobacco Smoke Provisions</i> (WCB)</li> </ul>
Date	<ul style="list-style-type: none"> <li>Into force: May 1, 2002</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>Smoking prohibited at all provincial government work sites</li> <li>Most other employees are protected by prohibition of smoking, or restricted smoking in a DSR (with or without separate ventilation)</li> <li>Public entertainment facility employees are an exception: they can choose to not enter a DSR without threat, or to have intermittent exposure not to exceed 20% of any work period</li> <li>All other employees in the province do not have to enter DSRs except under extenuating circumstances</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>For facilities licensed to serve liquor, floor space of DSR cannot exceed 45% of total floor area</li> <li>No more than 2 indoor areas per facility</li> <li>Each area not to exceed 80 square metres</li> <li>Must be structurally separate and ventilated</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>Bingos: floor space of DSR cannot exceed 65% of total floor area</li> <li>For other public entertainment facilities, DSR cannot exceed 45% of total floor area</li> </ul>
Bars	<ul style="list-style-type: none"> <li>Total floor space for DSR cannot exceed 45%</li> <li>Cannot be more than two separate areas</li> <li>Each indoor area not to exceed 80 sq. m</li> <li>Indoor areas must conform to ventilation requirements</li> <li>See above for employee choice about entering a DSR</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>All public places are considered workplaces</li> <li>Requirements for DSRs defined</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>Absent in WCB regulations</li> <li>Section 523 of the <i>Local Government Act</i>: where local by-laws exist, the stronger by-law or WCB regulation will override the other</li> </ul>
Summary	<ul style="list-style-type: none"> <li>Regulations are <b>strong in scope</b>, with all public places considered workplaces, including the hospitality industry</li> <li>Unique to BC: no other province or territory has such regulations</li> <li>However, regulations are <b>average in strength</b>: DSRs are endorsed, and hospitality industry workers have been specifically excluded from the same level of protection afforded to most other workers in the province</li> </ul>

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## Alberta

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Protection from Second-Hand Smoke in Public Buildings Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• In force: January 1, 1999</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking restricted in all provincial (“public”) government work sites</li> <li>• Allows for DSRs with no apparent limit on number of rooms per building</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Exempt, except for eateries in “public” buildings</li> <li>• No definitions for DSAs or DSRs indicated for “public” restaurants</li> <li>• Requirements for DSRs not defined</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Public places defined as buildings or structures owned by the Crown, leased to the Crown, or owned by a Provincial corporation</li> <li>• Smoking permitted in correctional institutions, buildings for commercial purposes, etc.</li> <li>• Requirements for DSRs not defined</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Absent in this Act</li> <li>• Section 7a) of <i>Municipal Government Act</i>: municipalities are authorized to pass smoking by-laws</li> <li>• However, the <i>Municipal Government Act</i> does not apply to provincial government buildings and offices</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>weak in scope</b>: narrow definition of public places; workplace protection applies only at government work sites, with the majority of workers in Alberta not protected, including those in the hospitality industry</li> <li>• <b>Weak in strength</b>: no prohibition, just restrictions on smoking with DSRs and DSAs endorsed</li> <li>• No definitions or requirements noted for DSRs and DSAs</li> </ul>

## Saskatchewan

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>The Tobacco Control Amendment Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assented: June 17, 2004</li> <li>• In force: January 1, 2005</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited at all provincial government work sites including Crown corporations, boards, commissions, or other agencies</li> <li>• Other workplaces not specifically mentioned</li> <li>• <i>The Occupational Health and Safety Regulations 1996</i> covers other workplaces, but does not protect workers from second-hand smoke</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bingos, Bowling, Casinos, 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 in all public places, and includes such outdoor public places as patios, entry ways, sports facilities and stadiums, and common areas of residential buildings</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 3(15) of the <i>Tobacco Control Act</i> enables municipalities to pass by-laws that exceed the provincial Act. (Three different Acts provide this authority). The more restrictive provision prevails.</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation is <b>average in scope</b>: amendments to legislation include restaurants, bars and other hospitality venues; however, the legislation still does not specifically address workplaces beyond those mentioned above</li> <li>• More than half of Saskatchewan workers are still at risk from second-hand smoke in the workplace</li> <li>• Legislation is <b>strong in strength</b>: smoking is prohibited at all provincial government work sites and in public places (no DSAs or DSRs)</li> </ul>

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## Manitoba

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>The Non-Smokers Health Protection Act (Various Acts Amended)</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: June 10, 2004</li> <li>• In force: October 1, 2004</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in all indoor enclosed workplaces</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bingos, Bowling, Casinos, 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 in all enclosed public places with four exceptions: group living facilities, hotel guest rooms, tobacconist shops and places where Aboriginal persons use tobacco for spiritual or cultural practices</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 6(2) of the <i>Non-Smokers Health Protection Act</i></li> <li>• A municipal council may pass a by-law to limit or prohibit smoking in any enclosed public place, and the more restrictive shall prevail</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation is <b>strong</b> in both scope and strength</li> </ul>



## Ontario

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Smoking in the Workplace Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• In force: Jan. 1, 1990</li> <li>• (Amendments made in 2000)</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking restricted in private workplaces under provincial jurisdiction, including retail, commercial, manufacturing and mining operations, hospitals, social service agencies and educational institutions</li> <li>• Employers can designate up to 25% of floor space as an unenclosed DSA</li> <li>• No definition of a DSA provided</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 11(1 &amp; 2) of the <i>Smoking in the Workplace Act</i>: municipalities permitted to pass more restrictive by-laws. The most restrictive legislation prevails.</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>weak in scope</b>: although the legislation is just for workplaces, it does not include protection for all workers, such as those in the hospitality industry</li> <li>• <b>Weak in strength</b>: unenclosed DSAs offer workers no protection from SHS</li> <li>• No definition of a DSA provided</li> </ul>

## Ontario

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Tobacco Control Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• In force: 1994</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited in nurseries, retail establishments, financial institutions, laundromats, pharmacies, video arcades, common areas of shopping malls, hair salons and bus shelters.</li> <li>• In all areas, other than nurseries, the prohibition only applies to those portions that are open to the public.</li> <li>• Smoking is permitted in DSRs in hospitals, nursing homes and homes for special care; and in DSAs in post-secondary institutions, private vocational schools, and common areas of enclosed shopping malls</li> <li>• Requirements for DSRs not clearly defined</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Absent</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>weak in scope</b>: does not include all public places, such as hospitality industry establishments</li> <li>• Legislation <b>average in strength</b>: smoking is prohibited in some public places, but DSRs and DSAs (offering no protection) permitted in others</li> <li>• Requirements for DSRs not clearly defined</li> </ul>

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## Québec

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>The Tobacco Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• In force: Oct. 1, 1998</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Legislation specifically refers to workplaces, excluding those in dwellings</li> <li>• Smoking restricted to DSRs at all provincial government work sites and many public workplaces</li> <li>• Requirements for DSRs defined</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• 34 seats or less: DSA must not exceed 40% of floor space; no other requirements</li> <li>• 35 seats or more: floor to ceiling partition required; DSA must not exceed 40% of floor space</li> <li>• Smoking area must have negative pressure ventilation</li> <li>• No door required between smoking and non smoking areas</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Bowling Alleys: DSA not to exceed 40% of floor space</li> <li>• Casinos: Restrictions slated for Jan. 2003- DSRs with separate ventilation</li> <li>• Bingos: smoking permitted throughout establishment except if they contain a restaurant, in which case see requirements for restaurants</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• No smoking restrictions</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited in provincially-run daycares, schools and recreation centres for youth</li> <li>• Smoking restricted in shopping malls, passenger stations, waiting, rest and service areas of sports, cultural, or artistic facilities: smoking area not to exceed 40% of floor space; ventilation required</li> <li>• DSRs with negative ventilation required for all other public spaces</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Absent in this Act</li> <li>• Unresolved jurisdictional issues</li> <li>• Municipal Code of Québec, Division 1, General Power to Pass By-Laws: Every local municipality may make, amend or repeal by-laws to secure the peace, order, good government and general welfare in the municipality, provided such by-laws are not inconsistent with the laws of Canada or of Québec</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>strong in scope</b>: includes public places and workplaces, including most types of establishments in the hospitality industry</li> <li>• <b>Average in strength</b>: smoking prohibited only in public places accessed by youth</li> <li>• DSAs and DSRs endorsed in many workplaces and public places</li> </ul>

## New Brunswick

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: June 30, 2004</li> <li>• In force:</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in enclosed indoor workplaces</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited, including outdoor eating and drinking areas</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Smoking prohibited, including outdoor drinking areas</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited , excluding group living facilities and designated hotel rooms</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• As per section 11(1)(1)(01) of the <i>Municipalities Act</i>, a municipality may make by-laws regulating or prohibiting the...smoking of tobacco products in indoor public places</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>strong</b> both in scope and strength, prohibiting smoking in public and work places including bars and restaurants</li> <li>• No provisions in legislation for DSRs</li> </ul>

## Nova Scotia

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act- An Act to Protect Young Persons and Other Persons from Tobacco Smoke</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: May 30, 2002</li> <li>• In force: Jan. 1, 2003</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited at all provincial government work sites</li> <li>• In most workplaces, smoking restricted to DSRs (youth under 19 not permitted access)</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Separately ventilated DSRs not to exceed 25% of seating area (youth not permitted to enter DSR)</li> <li>• Smoking section on outdoor patios not to exceed 50% of the seating- youth restricted</li> <li>• Requirements for DSRs defined</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Bingo halls: smoking permitted in separately ventilated DSRs (off limits to youth under 19)</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Bars and lounges: smoking restricted in separately ventilated DSRs between 6 am and 9 pm</li> <li>• DSR cannot comprise more than 25% of seating</li> <li>• Smoking permitted in outdoor areas that are off limits to youth (cannot be greater than 50% of outdoor area)</li> <li>• After 9 pm, smoking is not restricted</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited in many public places and some workplaces including: schools, daycares, health care facilities, malls, retail shops, laundromats, taxis, theatres, recreational facilities, offices of municipalities, villages, school boards...</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 16(2) of the <i>Smoke-free Places Act</i>: where there is a conflict between this Act and any other authority, regulating, restricting or prohibiting smoking, the more restrictive authority prevails to the extent of the conflict</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>strong in scope</b>: includes public places and workplaces, including the hospitality industry</li> <li>• <b>Average in strength</b>: smoking is prohibited at some work sites and in many public places</li> <li>• However, by hinging much of the legislation on the presence or absence of minors, as well as the use of time to determine whether smoking is permitted, the province does not touch the issue of workplace protection for employees</li> <li>• These two traps create confusion for the general public, compliance problems stemming from confusion, and mixed messages about who is at risk from exposure to SHS</li> </ul>

## Prince Edward Island

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: December 18, 2002</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Specifically mentioned and means any place where an employee is engaged in work; includes construction sites, cafeterias, corridors, lobbies, restrooms, elevators, escalators, stairwells or any other common areas within a workplace</li> <li>• Smoking permitted within DSAs</li> <li>• Requirements for size or number of DSAs not defined, although specific requirements noted for separation and ventilation</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Eating establishments fall under definition of public places and workplaces</li> <li>• No further requirements noted beyond having one or more DSAs provided</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Bowling: smoking prohibited</li> <li>• Bingos and casinos not specifically mentioned</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Licensed premises open to the public fall under the definition of a public place; see requirements for public places</li> <li>• No further requirements noted beyond having one or more DSAs provided</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Public place defined as a place open to members of the public</li> <li>• Smoking prohibited in day care centres, schools, hospitals, retail stores and malls, recreational facilities, taxi shelters, bus stations, ferry terminals, movie theatres, laundromats, libraries, art galleries, museums and video arcades</li> <li>• Correctional centres exempt</li> <li>• Otherwise, a person may smoke in a DSA in other public places or workplaces, or parts of buildings or commercial establishments open to the public</li> <li>• DSA defined as a structurally separate outdoor location or room that is structurally separated and independently ventilated</li> <li>• One or more DSAs permitted in public places</li> <li>• Requirements for size or number of DSAs not defined, although specific requirements noted for separation and ventilation</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 3 of <i>Smoke-free Places Act</i>: Where a provision of this Act conflicts... the provision of this Act or the regulations made under this Act prevails, unless the conflicting provision imposes a more stringent requirement or restriction.</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>strong in scope</b>: includes workplaces, public places, and some hospitality industry venues</li> <li>• <b>Average in strength</b>: smoking prohibited in many public places, yet endorsement of DSRs and DSAs in other places fails to properly protect people</li> </ul>

DSR = enclosed and separately ventilated Designated Smoking Room  
 DSA = unenclosed Designated Smoking Area

## Newfoundland

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Smoke-Free Environment Act (Amended): An Act Respecting a Smoke-free Environment in the Workplace and in Public Places in the Province</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: Dec. 17, 1993</li> <li>• Amendments in force: Jan. 1, 2002</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited at all provincial government work sites</li> <li>• For other work sites, an employer can provide a DSR other than any rooms normally occupied by non-smokers</li> <li>• DSR must have with separate ventilation</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited in food establishments without a liquor licence</li> <li>• Smoking prohibited in licensed food premises between 9:00 am and 8:30 pm (those hours during which youth under 19 years are permitted to enter)</li> <li>• In licensed premises where young people are not allowed (drinking establishments), designated smoking area or room not to exceed 50% of total seating area or other area; ventilation required</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Bingos are public places. DSA shall not exceed 20% of the seating or other area normally occupied by the public; ventilation required.</li> <li>• Smoking prohibited in recreational facilities. Smoking is restricted in appropriately licensed liquor establishments attached to the recreational facility.</li> <li>• There are currently no casinos in NF.</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Bars with club or lounge liquor licence as per above restrictions</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited in day cares, schools, acute health care facilities, retail stores, recreation facilities, passenger vehicles, games arcades, common areas of hotels, motels, convention centres, shopping malls...</li> <li>• Smoking prohibited in public places open to youth under 19 years</li> <li>• Otherwise, DSA not to exceed 20% of the seating or other area, or DSR with separate ventilation</li> <li>• Owner of a public place may designate EITHER a DSA (as per above) OR a DSR</li> <li>• Requirements for DSRs and DSAs defined</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Section 13(1) of the <i>Smoke-free Environment Act</i>: municipalities or cities may pass by-laws respecting smoking in the workplace or in public places</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation <b>strong in scope</b>: includes both workplaces and public places, including the hospitality industry</li> <li>• <b>Average in strength</b>: smoking prohibited in many work and public places, but endorses the use of DSRs</li> <li>• However, by hinging some of the legislation on the presence or absence of minors, as well as the use of time to determine whether smoking is permitted, the province does not touch the issue of workplace protection for employees</li> <li>• These two traps create confusion for the general public, compliance problems stemming from confusion, and mixed messages about who is at risk from exposure to SHS</li> </ul>

DSR = enclosed and separately ventilated Designated Smoking Room  
DSA = unenclosed Designated Smoking Area

## Yukon

Name of Governmental Policy	<ul style="list-style-type: none"> <li>• <i>Smoke-Free Work Environment</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• In force: October 27, 1994</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Policy applies to all employees employed under the Public Service Act and the Education Act</li> <li>• Smoking prohibited on all premises owned or leased by the Yukon Government, including government vehicles and equipment</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Not specifically mentioned</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• <b>Legislation non-existent</b> for workplaces and public places</li> <li>• Government policy prohibiting smoking is very strong, but only protects a minority of workers</li> </ul>



## Northwest Territories

Name of Governmental Policy	<ul style="list-style-type: none"> <li>• <i>Environmental Tobacco Smoke Work Site Regulations</i>, under section 25 of the <i>Safety Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Approved: November 28, 2003</li> <li>• In force: May 1, 2004</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in all workplaces and within three metres of any workplace entrance/exit</li> <li>• Designated smoking room permitted in underground mines, fly-in mine sites, prisons, and nursing homes</li> <li>• Employer may permit DSR where workers live at an enclosed work site (either temporarily or permanently), provided it is structurally separate from other areas of the work site and smoke does not enter the work site</li> <li>• Employer may permit smoking in the private units where people other than workers live within an enclosed work site, provided smoke does not enter the work site</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Smoking prohibited</li> </ul>
Bingos, Bowling, Casinos, 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 in all public places that are also workplaces and within three metres of any entrance/exit</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Regulations are <b>strong</b> in scope and strength—the most comprehensive and restrictive policy governing workplace smoking in Canada. Smoking is prohibited at all workplaces and most public places, with no Designated Smoking Rooms (exceptions noted above).</li> <li>• There are very limited exceptions.</li> </ul>

DSR = enclosed and separately ventilated Designated Smoking Room  
 DSA = unenclosed Designated Smoking Area

## Nunavut

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Tobacco Control Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Assent: November 5, 2003</li> <li>• In force: February 1, 2004</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in all workplaces and within three metres of any workplace entrance/exit</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Exempt for two years after legislation goes into force</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Smoking prohibited in all public places</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Exempt for two years after legislation goes into force</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking banned in all public places</li> <li>• Three-metre smoke-free zone around all public places</li> <li>• Fifteen-metre smoke-free zone around school</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Sections 25 and 26 authorize municipalities to pass bylaws to restrict smoking; most restrictive provision prevails</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Legislation is <b>strong</b> in scope and strength. Smoking prohibited in all public places and workplaces, with two-year exemption given to bars and restaurants. Smoking areas may be set aside in designated areas under prescribed conditions (to be determined by the regulations). Public place and workplace smoking restrictions superseded by <i>Environmental Tobacco Smoke Work Site Regulations</i>, since they are stronger.</li> </ul>

## Nunavut

Name of Legislation	<ul style="list-style-type: none"> <li>• <i>Environmental Tobacco Smoke Work Site Regulations</i>, under section 25 of the <i>Safety Act</i></li> </ul>
Date	<ul style="list-style-type: none"> <li>• Approved: November 28, 2003</li> <li>• In force: May 1, 2004</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking prohibited in all workplaces and within three metres of any workplace entrance/exit</li> <li>• Designated smoking room permitted in underground mines, fly-in mine sites, prisons, and nursing homes</li> <li>• Employer may permit DSR where workers live at an enclosed work site (either temporarily or permanently), provided it is structurally separate from other areas of the work site and smoke does not enter the work site</li> <li>• Employer may permit smoking in the private units where people other than workers live within an enclosed worksite, provided smoke does not enter the work site</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>• Included</li> </ul>
Bingos, Bowling, Casinos, etc.	<ul style="list-style-type: none"> <li>• Included</li> </ul>
Bars	<ul style="list-style-type: none"> <li>• Included</li> </ul>
Public Places	<ul style="list-style-type: none"> <li>• Smoking prohibited in all public places that are also workplaces and within three metres of any entrance/exit</li> </ul>
Provision for Municipalities	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• Regulations are <b>strong</b> in scope and strength—the most comprehensive and restrictive policy governing workplace smoking in Canada. Smoking is banned at all workplaces and public places, with no Designated Smoking Rooms. There are very limited exceptions.</li> </ul>