

# Non-Smokers' Rights Association

## Smoking and Health Action Foundation

March 2008

### 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 in force	<ul style="list-style-type: none"> <li>• October 1<sup>st</sup>, 2004</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 group living facilities (includes long-term care facilities)</li> <li>• Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms equipped with a separate ventilation system; separate ventilation system only applies to rooms constructed or substantially renovated after this section of the Act came into force</li> <li>• Smoking permitted in fully enclosed tobacconist shops to test or sample a product</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 (see notes section below)</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 on bar and restaurant patios if more than 25% of the floor area is covered by a roof and more than 50% of its perimeter is more than 50% enclosed</li> </ul>
Provision for municipalities	<ul style="list-style-type: none"> <li>• Sections 9 and 10 of <i>The Non-Smokers Health Protection Act (Various Acts Amended)</i> allow municipalities to pass bylaws prohibiting or limiting smoking, and the more restrictive prevails</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• When this legislation was passed 4 years ago it was among the best in Canada and remains <b>strong legislation for indoor protection from SHS</b></li> <li>• However, public policy has evolved and the fact that this Act does not include smoke-free patios or buffer zones around doorways, windows and</li> </ul>

	air intakes makes it <b>not up to current outdoor protection standards</b>
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## Notes

In August of 2006 a Queen's Bench court judge struck down part of the province's smoke-free legislation that exempted "lands reserved for Indians." The judge ruled that it violated the *Charter of Rights and Freedoms* by treating Aboriginal and non-Aboriginal bar owners differently. The province was subsequently ordered to enforce its smoke-free legislation on native reservations, and indicated it would do so by tying casino license renewals to compliance with the smoke-free legislation. However, the government appealed the decision, and at the end of March Manitoba's highest court overturned the lower court's decision.

According to the Manitoba Tobacco Reduction Alliance (MANTRA), there are just two First Nations casinos in Manitoba which have been licensed to date. They are Aseneskak Casino at Opaskwayak Cree Nation, which opened in 2002, and South Beach Casino at Brokenhead Ojibway Nation, which opened in 2005. A third facility identified as Roseau River First Nation Community Hall lists itself as a casino but is reportedly an unlicensed community hall with 20 video lottery terminals (VLTs). There is also an application before the Minister responsible for gaming to license a First Nations casino in the city of Brandon. The Minister has indicated that he is supportive but that it is up to the city of Brandon to decide. A plebiscite was held in March and 57% of voters indicated that they were not in favour of a casino for Brandon.

In an August 2007 agreement reached between the province and the South Beach Casino board, the casino was permitted to expand and double the number of slot machines from 300 to 600 in return for going smoke-free. The expansion was to have been completed in the fall of 2007. However, according to the Minister's office, construction continues and so does smoking inside the casino. It could take until spring 2008 for the new slot machines to be installed and for the casino to become smoke-free.

On another SHS issue, the Winnipeg Sun reported on December 11, 2007 that, regarding a provincial ban on smoking in private vehicles with children present, Premier Gary Doer said, "we're watching it."