

## *Provincial and Territorial Smoke-Free Legislation Summary*

<i>Province or Territory</i>	<i>Products Included in Smoking Definition</i>	<i>Workplaces</i>	<i>Public Places</i>	<i>Outdoor Provisions</i>	<i>Private Vehicles Carrying Children</i>	<i>Municipalities Able to Pass More Restrictive Bylaws</i>
<p><b>Alberta:</b></p> <p><i>Smoke-Free Places (Tobacco Reduction Amendment Act, 2007)</i> (In force Jan. 1, 2008)</p> <p><i>Tobacco Reduction Amendment Act, 2013</i> (Some aspects in force Nov. 13, 2014)</p>	<p>Cigars, cigarettes, pipes</p> <p>Once the provisions of the 2013 amends have been proclaimed, the use of waterpipes and other weeds and substances will also be included in the definition of smoking.</p>	<p>Smoking prohibited in virtually all enclosed workplaces</p>	<p>Smoking prohibited in all enclosed public places</p>	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• On patios</li> <li>• Within a 5 m buffer zone around entrances and exits, operable windows and air intakes to all workplaces and public places</li> </ul>	<p>Smoking prohibited in private vehicles with children under the age of 18 present (in force Nov. 13, 2014)</p>	<p>Yes</p>

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<p><b>British Columbia:</b></p> <p><i>Tobacco Control Act</i> (In force Mar. 31, 2008)</p> <p><i>Tobacco Control Amendment Act, 2015</i> (Not yet in force)</p> <p><i>Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008</i> (In force Apr. 7, 2009)</p>	<p>Cigarettes, cigars and pipes only at this time</p> <p>The <i>Tobacco Control Amendment Act, 2015</i>, once it comes into force (date to be determined) will add electronic cigarettes to the list of products prohibited</p>	<p>Smoking prohibited in virtually all enclosed workplaces</p>	<p>Smoking prohibited in all enclosed public places</p>	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• Within a 3 m buffer zone around entrances and exits, operable windows and air intakes to all workplaces and public places</li> <li>• On school grounds</li> </ul> <p>Smoking permitted on patios and on the grounds of health boards, with restrictions</p>	<p>Smoking prohibited in private vehicles with children under the age of 16 present</p>	<p>Not through the <i>Tobacco Control Act</i>, but permitted through the <i>Local Government Act</i></p>

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<p><b>Manitoba:</b></p> <p><i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> (In force Oct. 1, 2004) This will be renamed <i>The Non-Smokers Health Protection And Vapour Products Act</i> upon proclamation of the following amendment Act.</p> <p><i>The Non-Smokers Health Protection Amendment Act (E-Cigarettes)</i> (Received Royal Assent on November 5, 2015 and will come into force upon proclamation.)</p> <p><i>The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)</i> (In force July 15, 2010)</p>	<p>Cigarettes, cigars, pipes and electronic cigarettes.</p> <p>Vaping will be prohibited wherever smoking is prohibited once <i>The Non-Smokers Health Protection Amendment Act (E-Cigarettes)</i> is proclaimed.</p>	<p>Smoking prohibited in virtually all enclosed workplaces</p> <p>E-cigarette use allowed in vapour product shops, group living facilities, hotels, beverage rooms and casinos. (See Public Places column for details.)</p>	<p>Smoking prohibited in all enclosed public places</p> <p>Vapour product shop employees and customers may use e-cigarettes in the shop to test or sample a product, but only under certain physical restrictions.</p> <p>E-cigarettes may also be used in designated rooms in group living facilities and hotels, similar to the present exemptions allowed for smoking.</p> <p>The Bill also provides for the regulatory ability to authorize e-cigarette use in beverage rooms, casinos and other places where children are generally prohibited.</p>	<ul style="list-style-type: none"> <li>• Smoking prohibited , in bus shelters</li> <li>• Smoking permitted on patios, with restrictions</li> </ul>	<p>Smoking prohibited in private vehicles with children under the age of 16 present</p>	<p>Yes</p> <p>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 law prevails</p>

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<p><b>New Brunswick:</b></p> <p><i>Smoke-free Places Act</i> (In force Oct. 1, 2004)</p> <p><i>An Act to Amend the Smoke-free Places Act</i> (In force Jan. 1, 2010)</p> <p><i>Bill 44, An Act to Amend the Smoke-free Places Act</i> (In force July 1, 2015)</p>	Cigarettes, cigars, pipes, waterpipes and electronic cigarettes	Smoking prohibited in virtually all enclosed workplaces, including group living facilities	Smoking prohibited in all enclosed public places	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• On school grounds</li> <li>• On and within 3 m of bar and restaurant patios</li> <li>• Within 9 m of doorways, air intakes or windows of enclosed public places and workplaces</li> <li>• On and within 20 m of playgrounds, beaches and sports fields</li> <li>• On and within 9 m of outdoor trails</li> <li>• In provincial parks (except for occupied campsites, golf courses, and designated smoking areas)</li> </ul>	Smoking prohibited in private vehicles with children under the age of 16 present	<p>No</p> <p>Some communities have passed policies, but they have no authority to enforce them</p>

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<b>Newfoundland and Labrador:</b>  <i>Smoke-free Environment Act, 2005</i> (In force July 1, 2005)  <i>An Act to Amend to Smoke-Free Environment Act, 2005</i> (In force May 31, 2011)	Cigarettes, cigars and pipes only	Smoking prohibited in virtually all enclosed workplaces except for DSRs in remote worksites (as defined by the regulations), underground mining operations and marine installations	Smoking prohibited in all enclosed public places	Smoking prohibited: <ul style="list-style-type: none"> <li>• On patios</li> </ul>	Smoking prohibited in private vehicles with children under the age of 16 present	Yes

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<b>Northwest Territories:</b>  <i>Tobacco Control Act, 2006</i> (In force Sept. 30, 2006)  <i>Environmental Tobacco Smoke Work Site Regulations</i> (In force May 31, 2004)	Cigarettes, cigars and pipes only	Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places	Smoking prohibited: <ul style="list-style-type: none"> <li>• Within a 15 m buffer zone around entrances and exits of schools</li> <li>• Within a 3 m buffer zone around workplaces and public places. (Note that designated smoking structures are permitted within a 3 m radius of an entrance or exit if smoke doesn't come into contact with workers at the site.)</li> <li>• In outdoor bus shelters</li> </ul>	No	Yes

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<p><b>Nova Scotia:</b></p> <p><i>Smoke-free Places Act (amended)</i> (In force Dec. 1, 2006)</p> <p>(Private motor vehicle amendment in force Apr. 1, 2008)</p> <p><i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act, and Chapter 14 of the Acts of 1993, the Tobacco Access Act</i> (In force May 31, 2015)</p>	<p>The definition of smoking includes using electronic cigarettes, cigars, pipes, waterpipes and other weeds and substances.</p>	<p>Smoking prohibited in virtually all enclosed workplaces</p>	<p>Smoking prohibited in all enclosed public places</p>	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• On patios</li> <li>• On school grounds</li> <li>• Within a 4m buffer zone around licensed outdoor areas</li> <li>• Within 4m of entrances and exits, air intakes and windows of workplaces</li> <li>• In transit shelters</li> </ul>	<p>Smoking prohibited in private vehicles with children under the age of 19 present</p>	<p>Yes</p>

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<b>Nunavut:</b>  <i>Tobacco Control Act</i> (In force May 31, 2004)  <i>Environmental Tobacco Smoke Work Site Regulations</i> (In force May 31, 2004)		Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places	Smoking prohibited: <ul style="list-style-type: none"> <li>• Within a 15 m buffer zone around entrances and exits of schools</li> <li>• Within a 3 m buffer zone around workplaces and public places. (Note that designated smoking structures are permitted within a 3 m radius of an entrance or exit if smoke doesn't come into contact with workers at the site.)</li> </ul>	No	Yes



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<p><b>Ontario:</b></p> <p><i>Smoke-Free Ontario Act</i> (In force May 31, 2006)</p> <p><i>Smoke-Free Ontario Amendment Act, 2008</i> (In force Jan. 21, 2009) (Ontario Regulation 206/14 in force Jan. 1, 2015)</p> <p><i>Making Healthier Choices Act, 2015</i>, also known as <i>Bill 45, 2015, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act</i> (Parts of these laws are in force while others are still awaiting proclamation)</p>	<p>Cigarettes, cigars and pipes</p> <p>Once the <i>Electronic Cigarettes Act, 2015</i> is proclaimed, e-cigarettes will be prohibited in certain places, too.</p> <p>Ontario is also proposing in Bill 178 that the no smoking rules be expanded to apply to medical marijuana and herbal non-tobacco waterpipe products.</p>	<p>Smoking prohibited in virtually all enclosed workplaces, including day nurseries and places where private-home day care is provided, whether or not children are present</p>	<p>Smoking prohibited in all enclosed public places</p>	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• On school grounds</li> <li>• Within a 9 m buffer zone around entrances and exits of hospitals and health care facilities</li> <li>• In addition to the 9 m buffer zone from doorways, on hospital grounds (smoking areas designated by the hospital board are allowed until January 1, 2018)</li> <li>• In reserved seating areas of outdoor sports arenas and entertainment venues</li> <li>• On restaurant and bar patios</li> <li>• On or within a 20 m buffer zone of playgrounds</li> <li>• On or within a 20 m buffer zone of public sports fields and surfaces</li> </ul>	<p>Smoking prohibited in private vehicles with children under the age of 16 present</p>	<p>Yes</p>

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<i>Ontario Bill 178, Smoke-Free Ontario Amendment Act, 2016 (Had only passed first reading as of March 31, 2016)</i>						

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<p><b>Prince Edward Island:</b></p> <p><i>An Act to Amend the Smoke-free Places Act</i> (In force Sept. 15, 2009)</p> <p><i>Bill No. 9, An Act to Amend the Smoke-free Places Act: Chapter S-4.2, Smoke-free Places Act (consolidated)</i> (In force Sept. 1, 2015)</p>	Cigarettes, cigars, pipes, electronic cigarettes, waterpipes and other weeds and substances	Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• On hospital property (with the exception of Hillsborough Hospital, where an outside DSA is provided for patients only)</li> <li>• On school property</li> <li>• On construction sites</li> <li>• On the portion of an outdoor public place used as a daycare centre, nursery school or kindergarten</li> <li>• Outdoor DSAs that are not patios must be 4.5 m from any entrance or air intake for indoor non-smoking areas</li> <li>• Outdoor DSAs that are patios must be 2.4 m from any entrance or air intake for indoor non-smoking areas</li> </ul> <p>Smoking permitted on patios with restrictions</p>	Smoking prohibited in private vehicles with children under the age of 19 present	Yes

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<p><b>Quebec:</b></p> <p><i>The Tobacco Control Act</i> <i>An Act to bolster tobacco control (amending Act)</i></p> <p><i>The Tobacco Act (Repealed November 26, 2015)</i></p>	<p>“The term ‘tobacco’ includes any product containing tobacco, including electronic cigarettes and any other products of that nature that are put to one’s mouth to inhale any substance that may or may not contain nicotine, including their components and accessories, and any other product or class of product considered to be tobacco under a government regulation.” Products included are therefore cigarettes, cigars, pipes, electronic smoking devices, waterpipes and other weeds and substances.</p>	<p>Smoking prohibited in virtually all enclosed workplaces</p> <p>Smoking restricted to 20% of the rooms in a hotel</p> <p>Medical marijuana smoking permitted in 20% of hospital rooms</p>	<p>Smoking prohibited in all enclosed public places except in separately enclosed and ventilated cigar rooms in operation on May 10, 2005</p>	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> <li>• Within a 9 m buffer zone around doorways, air intakes and operable windows of all enclosed spaces to which the public has access</li> <li>• On or within 9 m of child daycare centre, pre-school and school property</li> <li>• On or within 9 m of bar and restaurant patios</li> <li>• On or within 9 m of playgrounds, sports and recreation fields and in bus shelters</li> </ul> <p>The Government may, by regulation, determine other places where smoking is prohibited.</p>	<p>Yes</p>	<p>Not in the <i>Tobacco Control Act</i>, but permitted through the <i>Municipal Powers Act</i></p> <p>Few municipalities have taken advantage of this authority</p>

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<b>Saskatchewan:</b>  <i>The Tobacco Control Act (amended)</i> (In force Oct. 1, 2010)  <i>Occupational Health and Safety Amendment Regulations, 2008</i> (No. 2) (In force May 31, 2009)	Cigarettes, cigars and pipes only	Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places, including the common areas of multi-unit dwellings	Smoking prohibited: <ul style="list-style-type: none"> <li>• Within 3 m of doorways, windows and air intakes of enclosed public places</li> <li>• On school property</li> </ul>	Smoking prohibited in private vehicles with children under the age of 16 present	Yes
<b>Yukon:</b>  <i>Smoke-free Places Act</i> (In force May 15, 2008)	Cigarettes, cigars and pipes only	Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places	Smoking prohibited: <ul style="list-style-type: none"> <li>• On patios</li> <li>• Within a 5 m buffer zone around doorways, windows and air intakes of workplaces and public places</li> <li>• On school grounds, including post-secondary institutions</li> </ul>	Smoking prohibited with children under the age of 18 present	Yes