

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>Alberta:</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><i>Bill 26, An Act to Control and Regulate Cannabis</i> (Passed November 30, 2017 but not yet in force)</p>	<p>Cigars, cigarettes, pipes</p> <p>Once the provisions of the 2013 amendments have been proclaimed, the use of waterpipes and other weeds and substances will also be included in the definition of smoking. (Still not in force as of March 2018)</p> <p>Once the <i>Act to Control and Regulate Cannabis</i> has been proclaimed, the smoking and vaping of cannabis will be prohibited almost everywhere smoking is prohibited, except for licensed facilities (bars).</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"> • On patios • Within a 5 m buffer zone around entrances and exits, operable windows and air intakes to all workplaces and public places 	<p>Smoking prohibited in private vehicles with children under the age of 18 present (in force Nov. 13, 2014)</p> <p>Once the Act has been proclaimed, the use of cannabis will be prohibited at all times unless the vehicle is being used at the time as a temporary home</p>	<p>Yes</p>

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<p>British Columbia:</p> <p><i>Tobacco and Vapour Products Control Act</i> (In force Sept. 1, 2016)</p> <p><i>Tobacco Control Act</i> (In force Mar. 31, 2008)</p> <p><i>Tobacco Control Amendment Act, 2015</i> (Repealed the <i>Tobacco Control Act</i> and renamed the legislation the <i>Tobacco and Vapour Products Control Act</i>)</p> <p><i>Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008</i> (In force Apr. 7, 2009, amendment to include e-cigarettes, in force Sept. 1, 2016)</p>	<p>Cigarettes, cigars, pipes and electronic smoking devices</p> <p>The <i>Tobacco Control Amendment Act, 2015</i>, added electronic cigarettes to the list of products prohibited</p>	<p>Smoking and vaping prohibited in virtually all enclosed workplaces (New exception: customers are allowed to vape in adult-only vapour products stores to learn how to use vapour products or to test products that they wish to buy)</p>	<p>Smoking and vaping prohibited in all enclosed public places</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • Within a 6 m buffer zone around entrances and exits, operable windows and air intakes to all workplaces and public places (doubled in 2016 from the previous 3 m buffer zone) • On school grounds • In transit shelters <p>Smoking and vaping permitted on patios and on the grounds of health boards, with restrictions</p>	<p>Smoking and vaping prohibited in private vehicles with children under the age of 16 present</p>	<p>Not through the <i>Tobacco and Vapour Products Control Act</i>, but permitted through the <i>Local Government Act</i></p>

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<p>Manitoba:</p> <p><i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> (In force Oct. 1, 2004) This was 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 came into force October 1, 2017.)</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, electronic cigarettes and cannabis.</p> <p>Vaping is prohibited almost everywhere smoking is prohibited.</p> <p><i>The Cannabis Harm Prevention Act</i> will prohibit cannabis smoking and vaping wherever tobacco smoking and vaping are prohibited, both indoors and outdoors.</p>	<p>Smoking and vaping 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 and vaping prohibited in almost all enclosed public places.</p> <p>Exception: 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>Exception: 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 Act 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"> • Smoking and vaping prohibited in bus shelters • Smoking and vaping permitted on patios, with restrictions <p>If adopted, <i>The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)</i> would prohibit vaping and smoking cannabis in the following places:</p> <ul style="list-style-type: none"> (a) a sidewalk, street, highway or outdoor parking lot (b) a park, playground or beach (c) an outdoor pool, splash pad or water park (d) a playing field or other outdoor sports venue (e) an outdoor entertainment venue (f) the grounds of an educational institution or facility, and 	<p>Smoking and vaping 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><i>Bill 25, the Cannabis Harm Prevention Act (Various Acts Amended) (Parts 2, 3 and 6 of the Cannabis Harm Prevention Act came into force December 1, 2017 and Part 5 was to come into force April 1, 2018.)</i></p> <p><i>The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places) - not yet adopted</i></p>				(g) an outdoor patio or deck that is associated with a restaurant or other enclosed public place.		

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<p>New Brunswick:</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> <p><i>Bill 18, An Act to Amend the Smoke-free Places Act</i> (Received Royal Assent on December 16, 2016 but not yet in force)</p> <p><i>Bill 16, Cannabis Control Act</i> (Assented to March 16, 2018, but not yet in force)</p>	<p>Cigarettes, cigars, pipes, waterpipes and electronic cigarettes</p> <p>Bill 18 also expands the definition of smoking to include any weed or substance (notably cannabis) in all places where smoking is banned. This change is not yet in force.</p> <p>Bill 16 states that “no person shall smoke cannabis or medical use cannabis in a place where smoking is prohibited under the <i>Smoke-free Places Act</i>.”</p>	<p>Smoking and vaping prohibited in virtually all enclosed workplaces, including group living facilities</p>	<p>Smoking and vaping prohibited in all enclosed public places</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • On school grounds • On and within 3 m of bar and restaurant patios • Within 9 m of doorways, air intakes or windows of enclosed public places and workplaces • On and within 20 m of playgrounds, beaches and sports fields • On and within 9 m of outdoor trails • In provincial parks (except for occupied campsites, golf courses, and designated smoking areas) • On hospital grounds (not yet in force) 	<p>Smoking and vaping prohibited in private vehicles with children under the age of 16 present</p> <p>Once in force, the <i>Cannabis Control Act</i> will prohibit the consumption of cannabis or medical use cannabis in or on a vehicle, whether or not it is in motion.</p>	<p>No</p> <p>Some communities have passed policies, but they have no authority to enforce them</p>

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<p>Newfoundland and Labrador:</p> <p><i>Smoke-free Environment Act, 2005</i> (In force July 1, 2005)</p> <p><i>An Act to Amend to Smoke-Free Environment Act, 2005</i> (In force May 31, 2011)</p> <p><i>Bill 35, An Act to Amend the Smoke-Free Environment Act, 2005 and the Tobacco Control Act [also known as Chapter 32, An Act to Amend the Smoke-Free Environment Act, 2005 and the Tobacco Control Act]</i> (In force June 16, 2016)</p>	<p>Cigarettes, cigars, pipes, waterpipes and electronic smoking devices</p> <p>The definition of smoking was expanded in 2016 to include the use of waterpipes and electronic smoking devices.</p> <p>The prohibition of hookah smoking of non-tobacco shisha in indoor public places and workplaces, including any existing hookah establishment, came into effect July 1, 2017.</p>	<p>Smoking and vaping prohibited in virtually all enclosed workplaces except for DSRs in remote worksites (as defined by the regulations), underground mining operations and marine installations</p>	<p>Smoking and vaping prohibited in all enclosed public places</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • On patios 	<p>Smoking and vaping prohibited in private vehicles with children under the age of 16 present</p>	<p>Yes</p>

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Northwest Territories: <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"> • Within a 15 m buffer zone around entrances and exits of schools • 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.) • In outdoor bus shelters 	No	Yes

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<p>Nova Scotia:</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>Amendments to the <i>Smoke-free Places Act</i> are to be introduced in the spring 2018 session. The amendments will protect people from second-hand smoke and second-hand vapour in more</p>	<p>The definition of smoking includes using electronic cigarettes, cigars, pipes, waterpipes and other weeds and substances, including cannabis.</p>	<p>Smoking and vaping prohibited in virtually all enclosed workplaces</p>	<p>Smoking and vaping prohibited in all enclosed public places</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • On patios • On school grounds • Within a 4m buffer zone around licensed outdoor areas • Within 4m of entrances and exits, air intakes and windows of workplaces • In transit shelters 	<p>Smoking and vaping prohibited in private vehicles with children under the age of 19 present</p>	<p>Yes</p>

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public places. (Announced March 27, 2018)						

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<p>Nunavut:</p> <p><i>Tobacco Control Act</i> (In force May 31, 2004)</p> <p><i>Environmental Tobacco Smoke Work Site Regulations</i> (In force May 31, 2004)</p> <p>As of March 31, 2018, Nunavut had not yet introduced cannabis legislation, but had been consulting with stakeholders and residents on its proposed regulatory options for legalized recreational cannabis.</p>	Cigarettes, cigars and pipes only	Smoking prohibited in virtually all enclosed workplaces	Smoking prohibited in all enclosed public places	<p>Smoking prohibited:</p> <ul style="list-style-type: none"> • Within a 15 m buffer zone around entrances and exits of schools • 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.) 	No	Yes

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<p>Ontario: <i>Smoke-Free Ontario Act, 2017</i> (Not yet in force as of March 31, 2018)</p> <p><i>Bill 174, An Act to enact the Cannabis Act, 2017, the Ontario Cannabis Retail Corporation Act, 2017 and the Smoke-Free Ontario Act, 2017, to repeal two Acts and to make amendments to the Highway Traffic Act respecting alcohol, drugs and other matters (Bill 174, repeals the Smoke-Free Ontario Act, 2006 and the Electronic Cigarettes Act, replacing them with the Smoke-Free Ontario Act, 2017)</i></p> <p><i>Smoke-Free Ontario Act</i> (In force May 31, 2006) REPEALED</p>	<p>Cigarettes, cigars and pipes, electronic cigarettes and cannabis and other substances that may be prescribed in regulations</p>	<p>Smoking and vaping 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>Once the Act is in force, exemptions will include: 1. Smoking or holding lighted tobacco, smoking or holding lighted medical cannabis or using medical cannabis through an electronic cigarette in a designated smoking/e-cigarette room in a long-term care facility, a retirement home that provides care, and other types of supportive housing residences; 2. Smoking or holding lighted tobacco, smoking or holding lighted medical cannabis or using medical cannabis through an electronic cigarette in a designated smoking/e-cigarette room in a hotel, motel or inn;</p>	<p>Smoking and vaping prohibited in all enclosed public places</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • On school grounds • Within a 9 m buffer zone around entrances and exits of hospitals and health care facilities • In addition to the 9 m buffer zone from doorways, smoking on hospital grounds was prohibited as of January 1, 2018 • In reserved seating areas of outdoor sports arenas and entertainment venues • On restaurant and bar patios • On or within a 20 m buffer zone of playgrounds • On or within a 20 m buffer zone of public sports fields and surfaces 	<p>Smoking prohibited in private vehicles with children under the age of 16 present</p> <p><i>Smoke-Free Ontario Act, 2017:</i> Smoking or vaping of cannabis prohibited in all vehicles – Clause not yet in force, but currently illegal anyway</p> <p>Vaping of other substances in vehicles may be prohibited as prescribed in Regulations</p>	<p>Yes</p>

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		3. Smoking or holding lighted medical cannabis or using medical cannabis through an electronic cigarette in a designated smoking/e-cigarette room in a hospice.				

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<p>Prince Edward Island:</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 and vaping prohibited in virtually all enclosed workplaces	Smoking and vaping prohibited in all enclosed public places	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • On hospital property (with the exception of Hillsborough Hospital, where an outside DSA is provided for patients only) • On school property • On construction sites • On the portion of an outdoor public place used as a daycare centre, nursery school or kindergarten • Outdoor DSAs that are not patios must be 4.5 m from any entrance or air intake for indoor non-smoking areas • Outdoor DSAs that are patios must be 2.4 m from any entrance or air intake for indoor non-smoking areas <p>Smoking and vaping permitted on patios with restrictions</p>	Smoking and vaping prohibited in private vehicles with children under the age of 19 present	Yes

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<p>Quebec:</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><i>Bill 157, An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions (not yet passed as of March 21, 2018)</i></p>	<p>Cigarettes, cigars, pipes, electronic smoking devices, waterpipes and other weeds and substances.</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.”</p> <p>If adopted, Bill 157 will essentially prohibit cannabis smoking/vaping in the same places where tobacco use is prohibited, both indoors and outdoors.</p>	<p>Smoking and vaping prohibited in virtually all enclosed workplaces</p> <p>Smoking and vaping restricted to 20% of the rooms in a hotel</p> <p>Medical cannabis smoking/vaping permitted in 20% of hospital rooms</p>	<p>Smoking and vaping prohibited in all enclosed public places except in separately enclosed and ventilated cigar rooms in operation on May 10, 2005</p>	<p>Smoking and vaping prohibited:</p> <ul style="list-style-type: none"> • Within a 9 m buffer zone around doorways, air intakes and operable windows of all enclosed spaces to which the public has access • On or within 9 m of child daycare centre, pre-school and school property • On or within 9 m of bar and restaurant patios • On or within 9 m of playgrounds, sports and recreation fields and in bus shelters <p>The Government may, by regulation, determine other places where smoking and vaping are prohibited.</p>	<p>Yes – includes smoking and vaping</p> <p>If Bill 157 is adopted, smoking and vaping cannabis will be prohibited in all vehicles</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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Saskatchewan: <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"> • Within 3 m of doorways, windows and air intakes of enclosed public places • On school property 	Smoking prohibited in private vehicles with children under the age of 16 present	Yes

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Yukon: <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"> • On patios • Within a 5 m buffer zone around doorways, windows and air intakes of workplaces and public places • On school grounds, including post-secondary institutions 	Smoking prohibited with children under the age of 18 present	Yes