

# *Provincial and Territorial Smoke-Free Legislation*

## **Alberta**

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| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Smoke-Free Places (Tobacco Reduction) Amendment Act, 2007</i></li> <li>• <i>Tobacco and Smoking Reduction Act, 2013</i> (amends the <i>Tobacco Reduction Act</i>)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• January 1, 2008 and November 13, 2014 (not all clauses)</li> <li>• As of March 31, 2016, some elements of the <i>Tobacco and Smoking Reduction Act, 2013</i> were still awaiting proclamation</li> </ul>   |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking permitted in designated smoking rooms (DSRs) by in-patients or residents of group living facilities (includes long-term care facilities)</li> <li>• Smoking permitted in group living settings, and by registered guests and their invited guests in designated smoking hotel rooms</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 on patios</li> <li>• Smoking prohibited within 5 metres of any doorway, operable window or air intake of a public place or workplace</li> <li>• Smoking prohibited by minors under 18 on school grounds or in any parking areas used in relation to a school building (new in 2014)</li> </ul>  |
| Private Motor Vehicles       | <ul style="list-style-type: none"> <li>• Smoking prohibited in a motor vehicle with children under the age of 18 present</li> </ul>   |
| Provision for Municipalities | <ul style="list-style-type: none"> <li>• Sections 10 (1) and (2) of the <i>Tobacco Reduction Act</i> authorize municipalities to pass stronger bylaws which would take precedence over provincial laws</li> </ul>   |
| Summary                      | <ul style="list-style-type: none"> <li>• <b>Once this section has been proclaimed</b>, Alberta will prohibit smoking a lit or heated tobacco-like product – which includes <b>other weeds and substances – such as waterpipes (hookah) and herbal cigarettes</b>.</li> <li>• <b>Once all aspects of the <i>Tobacco and Smoking Reduction Act, 2013</i> are in force</b>, Alberta will become <b>one of the leaders in Canada</b> with respect to protection from SHS, both indoors and out. <b>Outdoor</b></li> </ul> |

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|  | <b>protection could be further improved</b> by prohibiting smoking on playgrounds and recreational fields. |
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### ***Private Vehicles with Children Present***

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| Name of legislation | <ul style="list-style-type: none"> <li><i>Tobacco and Smoking Reduction Act, 2013 (amends the Tobacco Reduction Act)</i></li> <li><i>Tobacco Reduction (Protection of Children in Vehicles) Amendment Act, 2012 is <b>repealed</b></i></li> </ul> |
| Date in force       | <ul style="list-style-type: none"> <li>November 13, 2014</li> </ul>   |
| Private Vehicles    | <ul style="list-style-type: none"> <li>Smoking prohibited in private vehicles with children under the age of 18 present</li> </ul>  |

#### **Notes**

Alberta was the 10<sup>th</sup> of 11 Canadian provinces/territories to pass smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

On November 19, 2012, Alberta issued a new 10-year tobacco reduction strategy, *Creating Tobacco-Free Futures: Alberta's Strategy to Prevent and Reduce Tobacco Use, 2012–2022*. The strategy has three phases, as follows, although initiative prioritization may change in response to emerging issues:

- Phase one – 2012-2015
- Phase two – 2015-2018
- Phase three – 2018-2022

The strategy includes the following initiatives that pertain to public protection:

- “Exploring options to prohibit the use of tobacco-like products in the same locations where tobacco products are prohibited (phase one).”
- “Considering the prohibition of tobacco, tobacco-like products and smokeless tobacco use on all government-owned or leased property including schools, post-secondary institutions, healthcare facilities and provincial and municipal building grounds (phase two).”
- “Exploring options to increase smoking restrictions in outdoor areas, for example, children’s playgrounds, public parks, etc. (phase two).”
- “Using educational efforts to encourage landlords to make multi-unit dwellings 100 per cent smoke-free (phase two).”
- “Exploring options to prohibit smoking in hotel and motel guest rooms (phase three).”

- “Considering the development of legislation and policy interventions to decrease tobacco-like products and smokeless tobacco use and further protect Albertans from secondhand smoke (phase three).”

Some elements of Alberta’s *Tobacco Reduction Amendment Act, 2013* were proclaimed on November 13, 2014, as part of phase one of the strategic plan. Once other elements are in force, the Act will expand the provincial smoking ban to prohibit the smoking of tobacco and tobacco-like products in waterpipes (hookahs) or herbal cigarettes anywhere the smoking of tobacco products is prohibited, both indoors and outdoors.

The requirement in the Act to review the law and its definition of smoking (section 12) within 5 years is an excellent practice, since recreational nicotine-containing products are changing rapidly.

It should also be noted that the province of Alberta has a policy (not a law) in place to protect foster children from exposure to second-hand smoke while in foster care. Section 10.23 of Alberta’s Children’s Services Enhancement Act Policy Manual states that smoking will not be permitted in the residence where a child is placed, nor is smoking permitted in vehicles when foster children are being transported. This policy does not prevent smokers from becoming foster parents or make them quit smoking, but simply requires them to provide a non-smoking environment.

# *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 and Vapour Products Control Act</i></li> <li>• <i>Bill 14, The Tobacco Control Amendment Act, 2015</i></li> <li>• <i>Tobacco Control Act (title repealed and replaced by the Tobacco and Vapour Products Control Act)</i></li> </ul>   |
| Date in force         | <ul style="list-style-type: none"> <li>• September 1, 2016</li> </ul>  |
| Workplaces            | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in virtually all enclosed workplaces (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)</li> <li>• Smoking and vaping permitted in DSRs by in-patients or residents of community care facilities, assisted living residences, extended care hospitals or private hospitals</li> <li>• Smoking and vaping permitted in designated smoking hotel rooms by registered guests and their invited guests</li> </ul>  |
| Restaurants           | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Casinos, bingos, etc. | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Bars                  | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Public places         | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Outdoor provisions    | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited within 6 metres of any doorway, open window or air intake of a public place or workplace (doubled in 2016 from the previous 3 metre buffer zone)</li> <li>• Smoking and vaping 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 6 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 6 metre buffer zone if it extends onto public property such as a sidewalk, unless the person smoking or vaping is an employee or otherwise under the control of the employer</li> <li>• Smoking and vaping prohibited on school property and in transit shelters</li> </ul> |

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| Provision for municipalities | <ul style="list-style-type: none"> <li>• Not within the <i>Tobacco and Vapour Products 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 6 metre buffer zone around doorways, windows and air intakes of most workplaces and public places. At least 7 m is recommended based on outdoor SHS scientific research.</li> <li>• Indoor protection offered by the <i>Tobacco and Vapour Products Control Act</i> has allowed British Columbia to catch up with most of the rest of Canada and surpass most provinces with respect to electronic smoking devices</li> <li>• However, the Province of BC still lags behind other provinces in one major area, as smoking and now vaping are permitted on outdoor patios</li> <li>• <b>Legislation is strong for indoor places, especially now that electronic cigarettes have been added to the products prohibited, but the legislation is still lacking with respect to outdoor public places</b></li> </ul> |

### *Private Vehicles with Children Present*

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| 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, amended version – September 1, 2016</li> </ul>   |
| Private Vehicles    | <ul style="list-style-type: none"> <li>• Smoking or vaping 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.

The *Tobacco Control Amendment Act, 2015* prohibits the use of electronic cigarettes in indoor public spaces and workplaces in BC. Through the 2015 amendments, the *Tobacco*

*Control Act* was repealed and the amended Act renamed the *Tobacco and Vapour Products Control Act*. It bans electroniccigarette use on school grounds and in vehicles with passengers under the age of 16 present. It also limits use on the properties of health authorities, but designated smoking/vaping areas are still allowed. This legislation covers all electronically generated vapour products—including e-cigarettes and any other substances to be inhaled. The Act and Regulations are silent on the issue of marijuana, but it does not appear that marijuana is included in “other substances to be inhaled.”

# *Provincial and Territorial Smoke-Free Legislation*

## **Manitoba**

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|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> This will be renamed <i>The Non-Smokers Health Protection And Vapour Products Act</i> upon proclamation of the following amendment Act</li> <li>• <i>The Non-Smokers Health Protection Amendment Act (E-Cigarettes)</i></li> <li>• <i>Bill 25, the Cannabis Harm Prevention Act (Various Acts Amended)</i> (introduced March 20, 2017)</li> </ul>   |
| Date in force                | <ul style="list-style-type: none"> <li>• October 1, 2004 and the amendment Act received Royal Assent on November 5, 2015 and will come into force upon proclamation (still not proclaimed as of March 2017)</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking still permitted in designated smoking rooms (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</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> <li>• Smoking prohibited in bus shelters</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>• In 2004 when this legislation was passed, it was among the best in Canada and remains <b>strong legislation for indoor protection from SHS</b></li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• However, public policy has evolved and, even with the progressive inclusion of electronic cigarettes and marijuana in the definition of smoking, this Act has very few smoke-free outdoor spaces</li> <li>• Manitoba therefore lags behind many other jurisdictions</li> </ul> |
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### ***Private Vehicles with Children Present***

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| Name of legislation | • <i>The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)</i> |
| Date in force       | • July 15, 2010   |
| Private Vehicles    | • Smoking prohibited in private vehicles with children under the age of 16.                             |

#### **Notes**

Manitoba became the 7<sup>th</sup> province/territory to adopt smoke-free vehicle legislation, in addition to Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), New Brunswick (2009), Prince Edward Island (2009), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012), and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

Even once the e-cigarette clauses of the amended legislation come into force, Manitoba will still be lagging behind many other provinces, especially when it comes to protection from secondhand smoke outdoors. (This will become even more important to address once marijuana is legalized federally.) Patios, playgrounds and sports and recreation fields, as well as buffer zones around doorways, air intakes and operable windows, are notably absent from Manitoba legislation. It should be noted, however, that since the summer of 2014, Manitoba has had a smoke-free policy (not a law) for its provincial parks, including playgrounds and beaches.

**Once it is adopted and comes into force, *Bill 25, the Cannabis Harm Prevention Act*, introduced in 2017, will prohibit marijuana smoking and vaping wherever tobacco smoking and vaping are prohibited, both indoors and outdoors.** This Act helps prepare Manitoba for the federal legalization of marijuana.



# *Provincial and Territorial Smoke-Free Legislation*

## New Brunswick

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|------------------------------|--|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act</i></li> <li>• <i>An Act to Amend the Smoke-free Places Act</i></li> <li>• <i>Bill 44, An Act to Amend the Smoke-free Places Act</i></li> <li>• <i>Bill 18, An Act to Amend the Smoke-free Places Act</i><br/>(Received Royal Assent on December 16, 2016 but not yet in force)</li> </ul>   |
| Date in force                | <ul style="list-style-type: none"> <li>• October 1, 2004, January 1, 2010, and July 1, 2015</li> </ul>   |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in enclosed workplaces</li> <li>• Smoking and vaping prohibited in group living facilities</li> <li>• Smoking and vaping permitted by registered guests and their invited guests in designated smoking hotel rooms equipped with separate ventilation systems (only applies to rooms constructed or substantially renovated after this section of the Act came into force)</li> </ul>   |
| Restaurants                  | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Casinos, bingos, etc.        | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Bars                         | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Public places                | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>  |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited on and within 3 m of bar and restaurant patios</li> <li>• Smoking and vaping prohibited on school grounds</li> <li>• Smoking and vaping prohibited within 9 m of doorways, air intakes or windows of enclosed public places and workplaces</li> <li>• Smoking and vaping prohibited on and within 20 m of playgrounds, beaches and sports fields</li> <li>• Smoking and vaping prohibited on and within 9 m of outdoor trails</li> <li>• Smoking and vaping prohibited in provincial parks (except for occupied campsites, golf courses, and designated smoking areas)</li> </ul> |
| Private Motor Vehicles       | <ul style="list-style-type: none"> <li>• <i>An Act to Amend the Smoke-free Places Act</i></li> <li>• In force January 1, 2010</li> <li>• Smoking and vaping prohibited in private motor vehicles with children under the age of 16 years</li> </ul>  |
| Provision for municipalities | <ul style="list-style-type: none"> <li>• No. Municipalities cannot pass bylaws related to smoking. Some communities have adopted policies, but they have no authority to enforce them.</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li>• <b>Legislation strong regarding both indoor and outdoor protection from SHS and vapour</b></li> </ul>   |

## Notes

New Brunswick (2009) was the 5<sup>th</sup> Canadian province/territory to pass smoke-free vehicle legislation, in addition to Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

New Brunswick (2015) was the second province to prohibit smoking **on and within 20 metres of playgrounds and publicly owned sports fields** (preceded by Ontario in 2015).

Bill 18 proposes prohibiting smoking on hospital grounds.

**This bill also expands the definition of smoking to include any weed or substance (notably marijuana) in all places where smoking is banned.** New Brunswick has already banned all waterpipe smoking, including of non-tobacco products.

With the latest amendments to the *Smoke-free Places Act* that now include electronic cigarettes and waterpipes in the definition of smoking and will soon include marijuana (once the amendments come into effect), New Brunswick has become a national leader in protecting its citizens from second-hand smoke and vapour.

# *Provincial and Territorial Smoke-Free Legislation*

## **Newfoundland and Labrador**

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|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>Smoke-free Environment Act, 2005</i> (amended)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• June 16, 2016 and July 1, 2011</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in virtually all workplaces, but designated smoking rooms may be provided for employees if they meet ventilation requirements</li> <li>• Smoking and vaping permitted in designated smoking rooms (DSRs) by residents and in-patients of long-term care, psychiatric and other residential care facilities</li> <li>• Smoking and vaping permitted by registered guests and their invited guests in designated smoking hotel rooms</li> </ul>  |
| Restaurants                  | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>   |
| Bars                         | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>   |
| Casinos, bingos, etc.        | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>   |
| Public places                | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in all indoor public places</li> </ul>   |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited on all bar and restaurant patios</li> </ul>  |
| Private motor vehicles       | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in private motor vehicles with children under the age of 16 present.</li> </ul>  |
| Provision for Municipalities | <ul style="list-style-type: none"> <li>• Section 13(1) of the <i>Smoke-free Environment Act</i> allows municipalities to pass bylaws and the more restrictive provisions apply</li> <li>• To date, only St. John's has taken advantage of this enabling legislation</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li>• <b>Legislation much improved regarding protection in indoor workplaces</b>, but DSRs still permitted.</li> <li>• Legislation also improved with the <b>prohibition of smoking and vaping in vehicles with children under the age of 16 present</b>.</li> <li>• <b>Legislation now lagging behind other provinces regarding outdoor protection</b>—first jurisdiction in Canada to ban smoking on all outdoor patios. However, smoking is still permitted in all other outdoor spaces. Legislation could be strengthened by including buffer zones around doorways, air intakes and operable windows, on playgrounds and recreational fields, etc.</li> </ul> |

## Notes

Newfoundland and Labrador (2011) became the 9<sup>th</sup> province/territory to adopt smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009) and Saskatchewan (2010). Since then, Alberta (2012) and Quebec (2015) have also followed suit. The Northwest Territories and Nunavut do not have such legislation.

The definition of smoking was expanded in 2016 to include the use of waterpipes and electronic smoking devices. **The prohibition of hookah smoking of non-tobacco shisha in indoor public places and workplaces, including any existing hookah establishment, will come into effect July 1, 2017.**

# *Provincial and Territorial Smoke-Free Legislation*

## **Nova Scotia**

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|------------------------------|--|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act (amended)</i></li> <li>• <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></li> </ul>   |
| Date in force                | <ul style="list-style-type: none"> <li>• December 1, 2006 and May 31, 2015</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 and other residential care facilities)</li> <li>• Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms</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 on all outdoor patios regardless of whether they have a roof</li> <li>• Smoking prohibited within 4 metres of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces</li> <li>• Smoking prohibited on school grounds</li> <li>• Smoking prohibited in transit shelters</li> </ul>  |
| Private motor vehicles       | <ul style="list-style-type: none"> <li>• Smoking prohibited in a motor vehicle with children under the age of 19 present</li> <li>• In force April 1, 2008</li> </ul>  |
| Provision for municipalities | <ul style="list-style-type: none"> <li>• Section 16(2) of the <i>Smoke-free Places Act (amended)</i> stipulates that the more restrictive provision prevails</li> <li>• Several municipalities have enacted some of the strongest bylaws in Canada</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li>• <b>Legislation provides excellent protection from SHS indoors and outdoors</b></li> <li>• Nova Scotia was the <b>first province to ban smoking in private vehicles with children present</b></li> <li>• As of May 31, 2015, Nova Scotia was the <b>first province to include in its definition of smoking waterpipes and electronic cigarettes</b></li> <li>• The Act also <b>prohibits smoking all weeds and substances</b>, not just tobacco</li> <li>• <b>Nova Scotia's legislation is still the strongest in Canada with respect to protection from second-hand smoke and second-hand vapour</b></li> </ul> |

## Notes

Nova Scotia (2007) was the first Canadian province/territory to enact smoke-free vehicles with children present legislation. Since that time 10 other provinces and territories have followed suit: Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

On November 20, 2014, *Bill 60, 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* received Royal Assent and came into force on May 31, 2015.

The Act prohibits smoking anything (not just tobacco) in places where smoking is prohibited under the *Smoke-free Places Act*, essentially all indoor workplaces and public places, and certain other areas such as patios, transit shelters and within 4 m of the doorways, air intakes or operable windows of all workplaces. The Act prohibits the use of waterpipes in the same places, whether they contain tobacco or simply other weeds or substances. The Act also prohibits the use of electronic cigarettes in all places where smoking is currently prohibited.

This legislation is clearly leading edge, putting Nova Scotia in a position of national and international leadership by prohibiting the use of waterpipes, electronic smoking devices, and other weeds and substances province-wide, wherever smoking is already prohibited. However, the Act could still be strengthened by prohibiting smoking in more outdoor spaces, such as playgrounds and sports and recreational fields.

## Provincial and Territorial Smoke-Free Legislation

# Nunavut

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|------------------------------|--|
| Name of legislation          | <ul style="list-style-type: none"> <li><i>Tobacco Control Act</i> (see table below for <i>Environmental Tobacco Smoke Work Site Regulations</i>)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>May 31, 2004</li> </ul>   |
| Workplaces                   | <ul style="list-style-type: none"> <li>Smoking prohibited in many workplaces</li> <li>Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests</li> <li>Smoking permitted in designated smoking areas in elder homes or other premises that are prescribed</li> </ul>   |
| Restaurants                  | <ul style="list-style-type: none"> <li>Exempt</li> </ul>   |
| Casinos, bingos, etc.        | <ul style="list-style-type: none"> <li>Unclear—not explicitly mentioned</li> </ul>   |
| Bars                         | <ul style="list-style-type: none"> <li>Exempt</li> </ul>   |
| Public places                | <ul style="list-style-type: none"> <li>Smoking prohibited in all enclosed public places that are also workplaces</li> </ul>  |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking, provided the smoke does not come into contact with people entering or leaving the workplace</li> <li>Smoking prohibited within 15 metres of any entrance or exit of a school</li> </ul>  |
| Provision for municipalities | <ul style="list-style-type: none"> <li>Section 15 of <i>The Tobacco Control Act</i> states that if another act, regulation or bylaw conflicts with this Act, the provision that is the most restrictive prevails</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li><b>On its own, this legislation is weak for protection in indoor workplaces and public places as it exempts bars and restaurants</b></li> <li><b>Legislation is also weak for outdoor protection</b>—includes entrances and exits yet allows for designated smoking areas within the 3 metre buffer zone; could be strengthened by the inclusion of patios, school grounds, playgrounds, recreational fields and buffer zones around air intakes and windows that open</li> <li>However, <b>together with the worksite regulations listed below, indoor protection in workplaces and public places is strong</b></li> </ul> |

|                              |   |
|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Environmental Tobacco Smoke Work Site Regulations</i> (Section 25 of the <i>Safety Act</i>)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• May 31, 2004</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Designated smoking rooms (DSRs) permitted where workers or others live within a work site</li> <li>• Designated smoking areas (DSAs) permitted in underground mines where workers cannot get to the surface during entire shift</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 in all enclosed public places that are also workplaces</li> </ul>   |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>• Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace (if the area is owned or controlled by the employer), except in an enclosed shelter designated for smoking, provided the smoke does not come into contact with people entering or leaving the workplace</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 strong for protection in indoor workplaces</b></li> <li>• <b>Legislation weak for outdoor protection</b>—could be strengthened by removing designated smoking areas within the 3 metre buffer zones of entrances and exits, prohibiting smoking on patios and creating smoke-free playgrounds and recreational fields, as well as buffer zones around air intakes and windows that open.</li> </ul> |



## *Provincial and Territorial Smoke-Free Legislation*

# Northwest Territories

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|                              |   |
|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li><i>Tobacco Control Act</i> (see table below for <i>Environmental Tobacco Smoke Work Site Regulations</i>)</li> </ul>   |
| Date in force                | <ul style="list-style-type: none"> <li>September 30, 2006</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>This <i>Act</i> pertains to public places</li> <li>Smoking permitted in parts of workplaces to which the public is not admitted that meet the prescribed requirements</li> <li>Smoking permitted in home daycare facilities during periods when daycare is not being provided</li> <li>Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests</li> <li>Smoking permitted in a designated smoking room in nursing homes, group homes or other residential facilities (as per regulations)</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 in enclosed public places</li> </ul>  |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace or public place; smoking permitted in designated smoking structures within 3 metres, provided the smoke does not come into contact with people entering or leaving the workplace</li> <li>Smoking prohibited in outdoor bus shelters</li> </ul>  |
| Provision for municipalities | <ul style="list-style-type: none"> <li>Section 10 of <i>The Tobacco Control Act</i> states that if another act, regulation or bylaw conflicts with sections 8 or 9 of this Act, the provision that is the more restrictive of smoking prevails</li> </ul>   |
| Summary                      | <ul style="list-style-type: none"> <li><b>On its own, this legislation is strong for public place protection but weak for workplaces to which the public is not generally admitted</b></li> <li><b>Legislation is weak for outdoor protection</b>— includes entrances and exits, but allows for designated smoking structures within the 3 metre buffer zone. Protection could be strengthened by including patios, school grounds, playgrounds, recreational fields, and buffer zones around air intakes and windows</li> <li><b>Together with the worksite regulations listed below, indoor protection in workplaces and public places is strong</b></li> </ul> |

## Smoke-Free Workplaces

|                              |   |
|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Environmental Tobacco Smoke Work Site Regulations</i> (Section 25 of the <i>Safety Act</i>)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• May 31, 2004</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</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 in all enclosed public places that are also workplaces</li> </ul>   |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>• Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace (if the area is owned or controlled by the employer), except in an enclosed shelter designated for smoking, provided the smoke does not come into contact with people entering or leaving the workplace</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 strong for protection in indoor workplaces</b></li> <li>• <b>Legislation weak for outdoor protection</b>—could be strengthened by including patios, playgrounds and recreational fields, as well as buffer zones around air intakes and windows that open</li> </ul>                    |

# *Provincial and Territorial Smoke-Free Legislation*

## **Ontario**

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|                        |  |
|------------------------|--|
| Name of legislation    | <ul style="list-style-type: none"> <li>• <i>Smoke-Free Ontario Act (Amended)</i></li> <li>• <i>Smoke-Free Ontario Amendment Act, 2016</i>, also known as <i>Bill 178</i> (not yet in force)</li> <li>• <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></li> </ul>   |
| Date in force          | <ul style="list-style-type: none"> <li>• May 31, 2006, with new provisions on January 1, 2015, and future dates to be determined</li> </ul>  |
| Workplaces             | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking prohibited in private homes that operate a daycare, whether or not children are present</li> <li>• Smoking permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities)</li> <li>• Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms</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 on school grounds</li> <li>• Smoking prohibited within 9 metres of entrances and exits of hospitals, health care facilities, psychiatric facilities</li> <li>• Smoking prohibited in reserved seating area of outdoor sports arenas and entertainment venues</li> <li>• Smoking prohibited on bar and restaurant patios as of January 1, 2015 (uncovered patios that were established by a branch of the Royal Canadian Legion – Ontario Provincial Command prior to November 18, 2013 are exempted)</li> <li>• Smoking prohibited on and within a 20 metre buffer zone of public sports fields and surfaces (owned by a municipality, the province or a postsecondary education institution) as of January 1, 2015</li> <li>• Smoking prohibited on and within a 20 metre buffer zone of public playgrounds and playgrounds at hotels, motels and inns as of January 1, 2015</li> </ul> |
| Private motor vehicles | <ul style="list-style-type: none"> <li>• <i>Smoke-Free Ontario Amendment Act, 2008</i></li> <li>• Smoking prohibited in private vehicles with children under the age of 16 present</li> <li>• In force January 21, 2009</li> </ul>   |

|                              |   |
|------------------------------|---|
| Provision for municipalities | <ul style="list-style-type: none"> <li>Section 12 of the <i>Smoke-Free Ontario Act</i> states that municipalities may pass bylaws that are more restrictive and the more restrictive prevail</li> </ul>   |
| Summary                      | <ul style="list-style-type: none"> <li>Since 2005, Ontario has been a <b>national and international leader in tobacco control</b></li> <li>Legislation is <b>strong for both indoor and outdoor protection from SHS</b></li> <li>In 2016, Ontario passed <i>Bill 178</i> that, once it comes into effect, will expand the reach of the <i>Smoke-Free Ontario Act</i> <b>beyond tobacco, to prohibit the smoking of medical marijuana in places where smoking of tobacco is prohibited</b>, but the regulatory authority could also be used to apply in future to <b>herbal non-tobacco water pipe products and recreational marijuana, once it becomes legalized</b></li> <li>Ontario joins Newfoundland and Labrador (2005), Alberta (2007), the Yukon (2008), Nova Scotia (2015), New Brunswick (2015) and Quebec (2015) in <b>prohibiting smoking on patios</b></li> <li>Ontario was the first province to prohibit smoking <b>on and within 20 metres of playgrounds and publicly owned sports fields</b> (followed by New Brunswick in 2015)</li> <li>As a result of Ontario's encouragement to municipalities to pass smoke-free bylaws, despite the strengthening of Ontario's laws, there are <b>still 130 municipal bylaws in Ontario that exceed the <i>Smoke-Free Ontario Act</i></b></li> </ul> |

## Notes

Ontario (2008) was the 3<sup>rd</sup> Canadian province/territory to pass smoke-free vehicle legislation, in addition to Nova Scotia (2007), Yukon Territory (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

There have been several changes to legislation regulating smoking in public places in Ontario over the last two years. The *Making Healthier Choices Act, 2015*, also known as *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* received Royal Assent on May 28, 2015, but not all clauses have come into force yet. The legislation addresses several aspects of the sale, display, packaging and use of electronic cigarettes and the sale, promotion and flavouring of tobacco products, but the following proposed amendments relate specifically to second-hand smoke or second-hand vapour:

- Prohibit the use of electronic cigarettes in public places and workplaces where the smoking of tobacco is prohibited, as well as in private motor vehicles

- Strengthen enforcement to allow for testing of substances used in waterpipes (e.g. hookahs, shisha) in indoor public places

Ontario has also amended Ontario Regulation 48/06 made under the *Smoke-Free Ontario Act* to prohibit smoking on hospital grounds, except in outdoor smoking areas designated (DSAs) by the hospital board. The board's authority to designate smoking areas is limited so that only areas of a certain size, number, location and structure could be designated. DSAs will be prohibited as of January 1, 2018.

Ontario has shown leadership nationally by instituting these new measures. It joins Alberta, Nova Scotia, Newfoundland and Labrador, the Yukon and Quebec in prohibiting smoking on patios. It also now prohibits smoking on and within 20m of playgrounds and on and within 20m of publicly owned sports fields. This is at least double the buffer zone in all other provinces except New Brunswick.

Once the entire *Electronic Cigarettes Act, 2015* is in force, use of e-cigarettes will be prohibited in certain public places, too. Ontario has also legislated in *Bill 178* (not yet in force) that the no smoking rules be expanded to apply to medical marijuana and herbal non-tobacco waterpipe products. This could also help prepare Ontario for the federal legalization of marijuana.

Once all elements of the 2015 and 2016 legislative amendments come into force, Ontario will clearly be at the forefront of legislative reform to protect people from second-hand smoke and second-hand vapour.

# *Provincial and Territorial Smoke-Free Legislation*

## **Prince Edward Island**

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|                       |   |
|-----------------------|---|
| Name of legislation   | <ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act</i></li> <li>• <i>Bill No. 9, An Act to Amend the Smoke-free Places Act: Chapter S-4.2, Smoke-free Places Act (consolidated)</i></li> </ul>   |
| Date in force         | <ul style="list-style-type: none"> <li>• September 15, 2009 and September 1, 2015</li> </ul>  |
| Workplaces            | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Smoking permitted in designated outdoor smoking areas at least 4.5 metres away from any entrance or air intake, and at least 2.4 metres away from any patio area or 4.5 metres from any patio area that includes an air-intake (existing patios exempt)</li> <li>• Smoking permitted in indoor designated smoking rooms (DSRs) by residents of long-term care facilities (DSRs need to be separately enclosed and ventilated in accordance with the regulations)</li> <li>• Smoking permitted in indoor DSRs in shelters for victims of domestic violence</li> <li>• Legislation silent on smoking in hotel rooms and other temporary guest accommodations—government states that the law was not intended to include these workplaces</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 in virtually all enclosed public places</li> </ul>  |
| Outdoor provisions    | <ul style="list-style-type: none"> <li>• Smoking prohibited on outdoor patios except between the hours of 10 pm and 3 am</li> <li>• Outdoor DSAs that are not patios must be 4.5 metres from any entrance to indoor non-smoking areas</li> <li>• Outdoor DSAs that are patios must be 2.4 metres from any outdoor air intake for the indoor non-smoking areas</li> <li>• Smoking prohibited on hospital property with the exception of Hillsborough Hospital, where an outdoor DSA is permitted for patients only</li> <li>• Smoking prohibited on school property</li> <li>• Smoking prohibited on construction sites</li> <li>• Smoking prohibited on the portion of an outdoor public place used as a daycare centre, nursery school or kindergarten</li> <li>• Smoking prohibited on construction sites</li> </ul>  |

|                              |   |
|------------------------------|---|
| Private Vehicles             | <ul style="list-style-type: none"> <li>Smoking prohibited in a motor vehicle with children under the age of 19 present</li> </ul>   |
| Provision for municipalities | <ul style="list-style-type: none"> <li>Section 3 of the <i>Smoke-free Places Act</i> stipulates that where a provision of an act, regulation or bylaw conflicts with this Act, the more stringent restriction will prevail.</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li><b>Legislation is strong, setting a Canadian precedent by prohibiting smoking on hospital property and at outdoor construction sites.</b></li> <li><b>Legislation for outdoor protection is weak and could be strengthened</b> by uniformly prohibiting smoking on patios (regardless of time), and creating at least a 7 m smoke-free buffer zone around patios and doorways, operable windows and air intakes of all workplaces and public places. Making playgrounds and recreational fields smoke-free would also strengthen outdoor protection, especially for children.</li> </ul> |

## Notes

In 2009, Prince Edward Island's *Smoke-Free Places Act* set two Canadian precedents by prohibiting smoking on hospital property (the Island's psychiatric hospital is exempt, which is not recommended) and on outdoor construction sites.

Smoking is also prohibited in private vehicles with children under the age of 19 present, which is higher than many provinces' age limit of 16. There are now 11 jurisdictions in Canada with smoke-free vehicle legislation: Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2010), Saskatchewan (2010), Newfoundland and Labrador (2011), Alberta (2012) and Quebec (2015). The Northwest Territories and Nunavut do not have such legislation.

PEI's partial prohibition on patios falls short of current SHS standards. A partial prohibition based on the time of day is open to abuse, potentially confusing for people, and does not adequately protect wait staff from SHS—unless there is no table service after 10 pm. This loophole sends mixed messages about the health hazards of secondhand smoke and the Act would be much stronger if it were eliminated.

Furthermore, neither 2.4 m nor 4.5 m is a great enough distance to prevent smoke from entering buildings and creating a nuisance and health hazard for people entering and exiting. At least 7 m is recommended based on outdoor SHS scientific research.

# *Provincial and Territorial Smoke-Free Legislation*

## **Quebec**

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|                       |   |
|-----------------------|---|
| Name of legislation   | <ul style="list-style-type: none"> <li>• <i>The Tobacco Control Act</i></li> <li>• <i>An Act to bolster tobacco control</i> (amending <i>The Tobacco Act</i>)</li> <li>• <i>The Tobacco Act</i> (repealed November 26, 2015)</li> </ul>   |
| Date in force         | <ul style="list-style-type: none"> <li>• November 26, 2015 (various aspects of the amendments were to come into force between November 2015 and November 2017)</li> </ul>   |
| Workplaces            | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in virtually all enclosed workplaces</li> <li>• Smoking and vaping permitted in not more than 20% (down from 40%) of rooms available in hotels, and rooms where smoking is permitted must be grouped together</li> <li>• Smoking or vaping of medical marijuana permitted in a maximum of 20% of the rooms in a hospital, which must be grouped together</li> <li>• Smoking and vaping permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities)</li> </ul>                     |
| Restaurants           | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited, including on and within 9 m of patios</li> </ul>  |
| Casinos, bingos, etc. | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> </ul>   |
| Bars                  | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited, including on and within 9 m of patios</li> </ul>  |
| Public places         | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited</li> <li>• Smoking and vaping permitted in cigar rooms specially set up for cigar or pipe smoking provided they are separately enclosed and ventilated, serve no food and were in operation on May 10, 2005</li> </ul>   |
| Outdoor provisions    | <ul style="list-style-type: none"> <li>• Smoking and vaping prohibited within a 9 m radius of any door, air intake or operable window leading to enclosed spaces that are open to the public</li> <li>• Smoking and vaping prohibited on and within 9 m of child daycare centre, pre-school, primary and secondary school grounds</li> <li>• Smoking and vaping prohibited on and within 9 m of playgrounds, sports and recreation fields and in bus shelters</li> <li>• Health, social services, and post-secondary education institutions must have an outdoor smoke-free/vape-free policy in place by November 26, 2017</li> </ul> |



|                              |   |
|------------------------------|---|
|                              | <ul style="list-style-type: none"> <li>The Government may, by regulation, determine other places where smoking is prohibited</li> </ul>   |
| Private Vehicles             | <ul style="list-style-type: none"> <li>Smoking and vaping prohibited in private vehicles with children under the age of 16 present</li> </ul>   |
| Provision for municipalities | <ul style="list-style-type: none"> <li>Not within <i>The Tobacco Control Act</i></li> <li><i>Municipal Powers Act</i> permits municipalities to enact more stringent bylaws regarding nuisances, but few municipalities have taken advantage of this provision</li> </ul> |
| Summary                      | <ul style="list-style-type: none"> <li><b>Indoor protection from SHS and vapour is strong</b></li> <li><b>Outdoor protection is now strong, too, making Quebec a national leader in smoke-free places legislation</b></li> </ul>  |

## Notes

Quebec was the 11<sup>th</sup> Canadian province/territory to pass smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011) and Alberta (2012). The Northwest Territories and Nunavut do not have such legislation.

The definition of “smoking” also covers the use of electronic cigarettes (vaping) or of any other device of that nature.

**Patients are allowed to smoke or vape prescribed medical marijuana in a maximum of 20% of the rooms in a hospital.** Furthermore, as with smoking rooms in hotels, the rooms in hospitals where smoking is permitted must be grouped together so as to provide maximum protection to non-smokers given the total floor space, use and ventilation.

**Health, social services, and post-secondary education institutions must have an outdoor smoke-free/vape-free policy in place by November 26, 2017.** The legislation does not dictate what is to be covered in the policy.

Standards for outdoor smoking shelters, where they are allowed, are prescribed.

# Provincial and Territorial Smoke-Free Legislation

## Saskatchewan

### *Public Places*

|                              |   |
|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>The Tobacco Control Act</i> (amended)</li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• October 1, 2010</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 in all enclosed public places, including the common areas of multi-unit dwellings</li> </ul>  |
| Outdoor provisions           | <ul style="list-style-type: none"> <li>• Smoking, holding lighted tobacco and the use of all tobacco products is prohibited on school grounds</li> <li>• Smoking prohibited within 3 metres of doorways, operable windows and air intakes of public buildings</li> </ul>  |
| Multi-unit dwellings         | <ul style="list-style-type: none"> <li>• Smoking prohibited in all common areas</li> </ul>  |
| Private motor vehicles       | <ul style="list-style-type: none"> <li>• Smoking prohibited in private vehicles with children under the age of 16 present.</li> </ul>   |
| Provision for municipalities | <ul style="list-style-type: none"> <li>• Section 15 states that if there is a conflict with a provision of any other Act, regulation or bylaw, the more restrictive prevails.</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li>• <b>Legislation strong for protection in indoor public places</b>, although smoking is still permitted in child care facilities during the times when no child care services are being provided.</li> <li>• <b>Outdoor protection is improved with the amended legislation</b>; however, it is still permissible to smoke on patios and the 3 metre buffer zone around doorways, operable windows and air intakes is limited to only public buildings, not workplaces. Outdoor protection could be further improved by prohibiting smoking on playgrounds and recreational fields.</li> <li>• <b>Legislation is also improved with the prohibition on smoking in vehicles with children under the age of 16 present.</b></li> </ul> |

## Smoke-Free Workplaces

|                     |  |
|---------------------|--|
| Name of regulations | <ul style="list-style-type: none"><li>• <i>Occupational Health and Safety Amendment Regulations, 2008 (No. 2)</i></li></ul>  |
| Date in force       | <ul style="list-style-type: none"><li>• May 31, 2009</li></ul>   |
| Workplaces          | <ul style="list-style-type: none"><li>• Smoking prohibited in virtually all enclosed workplaces</li><li>• Smoking permitted in designated smoking rooms (DSRs) by visitors and residents of long-term care homes</li><li>• Smoking permitted in areas of underground mines that are more than 10 metres from other workers</li><li>• Smoking permitted in workplaces for people who are self-employed and typically work alone, and in exclusive use company vehicles.</li></ul> |
| Summary             | <ul style="list-style-type: none"><li>• <b>Legislation strong for protection in enclosed workplaces</b></li><li>• <b>Legislation weak for outdoor protection</b>—could be strengthened by including patios, playgrounds and recreational fields, as well as buffer zones around doorways, air intakes and operable windows of all workplaces</li></ul>   |

### Notes

Saskatchewan is the 8<sup>th</sup> province/territory to adopt smoke-free vehicle legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009) and Manitoba (2009). Since then both Newfoundland and Labrador (2011) and Alberta (2012) have passed similar legislation, bringing the total to 10 provinces and territories.

# *Provincial and Territorial Smoke-Free Legislation*

## **Yukon Territory**

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|                              |   |
|------------------------------|---|
| Name of legislation          | <ul style="list-style-type: none"> <li>• <i>Smoke-free Places Act</i></li> </ul>  |
| Date in force                | <ul style="list-style-type: none"> <li>• May 15, 2008</li> </ul>  |
| Workplaces                   | <ul style="list-style-type: none"> <li>• Smoking prohibited in virtually all enclosed workplaces</li> <li>• Home health-care workers, probation officers or social workers have the right to request that clients not smoke in their presence in private residences while receiving services</li> <li>• Smoking permitted in DSRs by residents of nursing homes, homes for the aged or disabled, homes for veterans and seniors over 65</li> <li>• Smoking permitted by registered guests in hotel, motel, or bed and breakfast rooms designated as smoking by the manager</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 on bar and restaurant patios</li> <li>• Smoking prohibited within 5 m of outdoor bar and restaurant patios</li> <li>• Smoking prohibited within 5 m of doorways, air intakes and operable windows of workplaces and public places</li> <li>• Smoking prohibited on school grounds, including post-secondary institutions (see notes section)</li> </ul>   |
| Private motor vehicles       | <ul style="list-style-type: none"> <li>• Smoking prohibited in a motor vehicle with children under the age of 18 present</li> </ul>   |
| Provision for municipalities | <ul style="list-style-type: none"> <li>• Section 15 allows municipalities to pass bylaws, and the more restrictive provision prevails</li> </ul>  |
| Summary                      | <ul style="list-style-type: none"> <li>• The <i>Smoke-free Places Act</i> brings the Yukon Territory to the fore in Canada regarding protection from SHS, making it a national leader.</li> <li>• <b>The Act is strong regarding workplaces and public places both indoors and out.</b></li> <li>• This legislation sets a national precedent by prohibiting smoking on the grounds of post-secondary institutions in the Yukon.</li> </ul>   |

## **Notes**

Yukon's *Smoke-Free Places Regulation, 2009* came into force on May 14, 2009. The regulations stipulate a 5 m buffer zone around doorways, operable windows and air intakes for all workplaces and public places. The regulations indicate that the definition of a doorway includes entryways under roofs, awnings and other similar structures, which can be wholly or partially protected by one or more walls, fences, or other structures that could restrict air circulation. In addition, smoking is not permitted within 5 m of outdoor patios.

Yukon (2008) is the 2<sup>nd</sup> province/territory in Canada to have passed smoke-free vehicle legislation, following Nova Scotia in 2007. Since that time, 8 other provinces and territories have followed suit: Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009), Manitoba (2009), Saskatchewan (2010), Newfoundland and Labrador (2011) and Alberta (2012). This brings the total to 10 provinces and territories that have passed legislation protecting children from second-hand smoke in private vehicles.

Yukon's smoke-free legislation and regulations place the Yukon Territory at the fore of second-hand smoke protection in Canada. Congratulations to all who had a hand their creation and adoption.