

Smoke-Free Legislation: Workplaces and Public Places

British Columbia

Name of legislation	<ul style="list-style-type: none"> • <i>Tobacco and Vapour Products Control Act</i> • <i>Bill 14, The Tobacco Control Amendment Act, 2015</i> • <i>Tobacco Control Act (title repealed and replaced by the Tobacco and Vapour Products Control Act)</i>
Date in force	<ul style="list-style-type: none"> • September 1, 2016
Workplaces	<ul style="list-style-type: none"> • 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) • Smoking and vaping permitted in DSRs by in-patients or residents of community care facilities, assisted living residences, extended care hospitals or private hospitals • Smoking and vaping permitted in designated smoking hotel rooms by registered guests and their invited guests
Restaurants	<ul style="list-style-type: none"> • Smoking and vaping prohibited
Casinos, bingos, etc.	<ul style="list-style-type: none"> • Smoking and vaping prohibited
Bars	<ul style="list-style-type: none"> • Smoking and vaping prohibited
Public places	<ul style="list-style-type: none"> • Smoking and vaping prohibited
Outdoor provisions	<ul style="list-style-type: none"> • 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) • 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 • 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 • Smoking and vaping prohibited on school property and in transit shelters

Provision for municipalities	<ul style="list-style-type: none"> • Not within the <i>Tobacco and Vapour Products Control Act</i> • Section 523 (Health Protection Authority) of the <i>Local Government Act</i> permits bylaws to be passed that, if stronger, take precedence
Summary	<ul style="list-style-type: none"> • 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. • 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 • However, the Province of BC still lags behind other provinces in one major area, as smoking and now vaping are permitted on outdoor patios • 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

Private Vehicles with Children Present

Name of legislation	<ul style="list-style-type: none"> • <i>Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008</i>
Date in force	<ul style="list-style-type: none"> • April 7, 2009, amended version – September 1, 2016
Private Vehicles	<ul style="list-style-type: none"> • Smoking or vaping prohibited in private vehicles with children under the age of 16 present

Notes

British Columbia (2008) was the 4th 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 electronic cigarette 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.”