

## *Provincial and Territorial Smoke-Free Legislation*

# Manitoba

Name of legislation	<ul style="list-style-type: none"> <li>• <i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i> This was 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>The Cannabis Harm Prevention Act (Various Acts Amended)</i></li> <li>• <i>The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)</i>(not yet adopted)</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 came into force October 1, 2017</li> <li>• Parts 2, 3 and 6 of the <i>Cannabis Harm Prevention Act</i> came into force December 1, 2017 and Part 5 was to come into force April 1, 2018.</li> </ul>
Workplaces	<ul style="list-style-type: none"> <li>• Smoking and vaping prohibited in virtually all enclosed workplaces</li> <li>• Smoking and vaping still permitted in designated smoking rooms (DSRs) by in-patients or residents of group living facilities (includes long-term care facilities)</li> <li>• Smoking and vaping 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 and vaping permitted in fully enclosed tobacconist shops to test or sample a product</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 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 and vaping 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> <li>However, public policy has evolved and, even with the progressive inclusion of electronic cigarettes and cannabis in the definition of smoking, this Act has very few smoke-free outdoor spaces</li> <li>Manitoba therefore lags behind many other jurisdictions in not restricting smoking tobacco in more outdoor spaces</li> </ul>

### ***Private Vehicles with Children Present***

Name of legislation	<ul style="list-style-type: none"> <li><i>The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)</i></li> </ul>
Date in force	<ul style="list-style-type: none"> <li>July 15, 2010</li> </ul>
Private Vehicles	<ul style="list-style-type: none"> <li>Smoking prohibited in private vehicles with children under the age of 16.</li> </ul>

#### **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 with the e-cigarette clauses of the amended legislation now in force, Manitoba is still 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.

***The Cannabis Harm Prevention Act prohibits cannabis smoking and vaping almost everywhere tobacco smoking and vaping are prohibited, both indoors and outdoors.***

***If adopted, The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places) would prohibit vaping and smoking cannabis in the following places:***

- (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
- (g) an outdoor patio or deck that is associated with a restaurant or other enclosed public place.

These two Acts help prepare Manitoba for the federal legalization of cannabis.