

Provincial and Territorial Smoke-Free Legislation

Newfoundland and Labrador

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

Notes

Newfoundland and Labrador (2011) became the 9th 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 prohibition of vaping in vehicles with minors under 16 is also a leading edge element in the NL 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 pre-existing hookah establishment, came into effect July 1, 2017.**

A significant deficit in the NL legislation is that it still allows smoking and vaping in designated rooms that have an independent mechanical ventilation system that meets standards laid out in the regulations. However, it is known that no ventilation system can eliminate the harm caused by secondhand smoke. NL is lagging behind the rest of the country in still allowing designated smoking/vaping rooms.