

Provincial and Territorial Smoke-Free Legislation

Prince Edward Island

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

	<p>school or kindergarten</p> <ul style="list-style-type: none"> • Smoking and vaping prohibited on construction sites
Private Vehicles	<ul style="list-style-type: none"> • Smoking prohibited in a motor vehicle with children under the age of 19 present
Provision for municipalities	<ul style="list-style-type: none"> • 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.
Summary	<ul style="list-style-type: none"> • Legislation is strong, setting a Canadian precedent by prohibiting smoking and vaping on hospital property and at outdoor construction sites. • Legislation for outdoor protection is weak and could be strengthened by uniformly prohibiting smoking and vaping on patios (regardless of time), and creating at least a 7 m smoke-free/vape-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/vape-free would also strengthen outdoor protection, especially for children.

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.