



PROTECTING the Public *Smoke-Free Ontario Act and* Regulatory Amendments

Provincial Guidelines



Smoke-Free Ontario Act

- The Smoke-Free Ontario Strategy has greatly reduced tobacco use and lowered health risks to non-smokers in Ontario.
- The Strategy combines programs, policies, laws and public education to:
 - help smokers quit
 - protect people from exposure to second-hand smoke
 - encourage young people to never start



Smoke-Free Ontario Act

Prohibition

- [9. \(1\)](#) No person shall smoke tobacco or hold lighted tobacco in any enclosed public place or enclosed workplace

Other prohibitions

- [\(2\)](#) No person shall smoke or hold lighted tobacco in the following places or areas:
 - 7. A prescribed place or area



Smoke-Free Ontario Act and regulations

Restaurant and bar patios

- [As of Jan 1st 2015](#) Restaurant and bar patios are prescribed areas for the purposes of paragraph 7 of subsection 9 (2) of the Act
- Whether a patio is covered or not (previous regulation)



SFOA Regulations

Restaurant and bar patios are defined as an area that (or is operated in conjunction with an area that):

- The public can access to eat food or drink beverages, for a fee or at no cost
- Where food or drinks are served, sold or offered by employees. (this includes volunteers)
- That is not a private home.
- There is an exemption for veterans clubs with established uncovered patios



SFOA Regulations

This extended the definition to include:

- **Seating areas for chip trucks and food vendors**
- **Fairs and festivals**
- **Outdoor seating areas of cafeterias**
- **The food lines for food vendors**



SFOA Regulations

- **Children's playgrounds and play areas**
- [13.1 \(1\)](#) Children's playgrounds and all public areas within 20 metres of any point on the perimeter of a children's playground are prescribed areas for the purposes of paragraph 7 of subsection 9 (2) of the Act.

SFOA Regulations

- The area is primarily used for the purposes of children's recreation, and is equipped with children's play equipment, such as, but without being limited to,
 - i. slides,
 - ii. swings,
 - iii. climbing apparatuses,
 - iv. splash pads,
 - v. wading pools, or
 - vi. sand boxes.

SFOA Regulations

- **Sporting areas, etc.**
- [13.2 \(1\)](#) The following are prescribed areas for the purposes of paragraph 7 of subsection 9 (2) of the Act:
 - 1. Sporting areas.
 - 2. Spectator areas adjacent to sporting areas.
 - 3. Public areas within 20 metres of any point on the perimeter of a sporting area or a spectator area adjacent to a sporting area

SFOA Regulations

- The area is owned by the Province or a municipality, by an agent of the Province or a municipality, or by a post-secondary institution as defined in subsection 8 (2).
- 2. The public is ordinarily invited or permitted access to the area, either expressly or by implication, whether or not a fee is charged for entry.
- 3. The area is used primarily for the purposes of sports such as, but without being limited to the following, but not including golf, whether or not a fee is paid for the use:



SFOA Regulation 48/06 Amendments

- **Starting January 01, 2016, it is prohibited to smoke or hold lighted tobacco:**

The outdoor grounds of a hospital within the meaning of the *Public Hospitals Act*, and the area within a 9 metre radius surrounding any entrance or exit of such a hospital

SFOA Regulation 48/06 Amendments

- Note: On January 1, 2018, subsection 12 (2) of the Regulation is revoked. (See: O. Reg. 336/15, s. 8 (3))

Smoke-Free Ontario Act

Employer/Proprietor obligations

- Every employer shall, with respect to an enclosed workplace or a place or area mentioned in subsection (2) over which the employer exercises control (patio)
- employer” includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it; (“employer”)



Smoke-Free Ontario Act

Employer/ proprietor obligations

- Give notice to staff and patrons that smoking is not allowed in the smoke-free areas.
- Post 'no smoking' signs:
 - at entrances and exits to the smoke-free areas,
 - in washrooms,
 - in appropriate other locations,
 - in sufficient numbers to ensure that staff and customers are aware that smoking is not allowed



Smoke-Free Ontario Act

Employer obligations (continue)

- Ensure that no ashtrays or similar items remain in the smoke-free areas.
- Ensure that workers and customers do not smoke in the smoke-free areas.
- Ensure that someone who refuses to comply with the smoking laws does not remain in the smoke-free area.



Smoke-Free Ontario Act

Selling or supplying to persons under 19

- 3. (1) No person shall sell or supply tobacco to a person who is less than 19 years old.

Apparent age

- (2) No person shall sell or supply tobacco to a person who appears to be less than 25 years old unless he or she has required the person to provide identification and is satisfied that the person is at least 19 years old

SFOA Regulation 48/06 Amendments

- **Starting January 01, 2016, it is illegal to sell or offer to sell flavoured tobacco products. This includes flavoured cigarillos**
- Exempt flavoured cigars that contain an adult flavour or aroma (wine, port, whiskey, or rum)
- Flavoured pipe tobacco

SFOA Regulation 48/06 Amendments

- **Starting January 01, 2016, it is illegal to sell or offer to sell flavoured tobacco products. This includes flavoured cigarillos**
- Exempt until January 1st 2017
 1. Menthol flavoured cigarettes
 2. Menthol flavoured tobacco products
 3. Clove flavoured cigarettes or (kreteks)

SFOA Regulation 48/06 Amendments

- **Starting January 01, 2016, inspectors may seize tobacco products that are prohibited for sale under the SFOA and products sold in vending machines under the ECA.**



SFOA Regulation 48/06 Amendments

Hookah: Social smoking

A growing number of European teens and young adults are using the Middle Eastern water pipe (hookah, shisha).

Body, gasket, valve
Body is a hollow tube with gasket at bottom; gasket has opening for hose and seals connection of body with water jar

Water jar
Smoke from tobacco passes through jar, gaining moisture and lowering its temperature before it reaches hose

Components

1

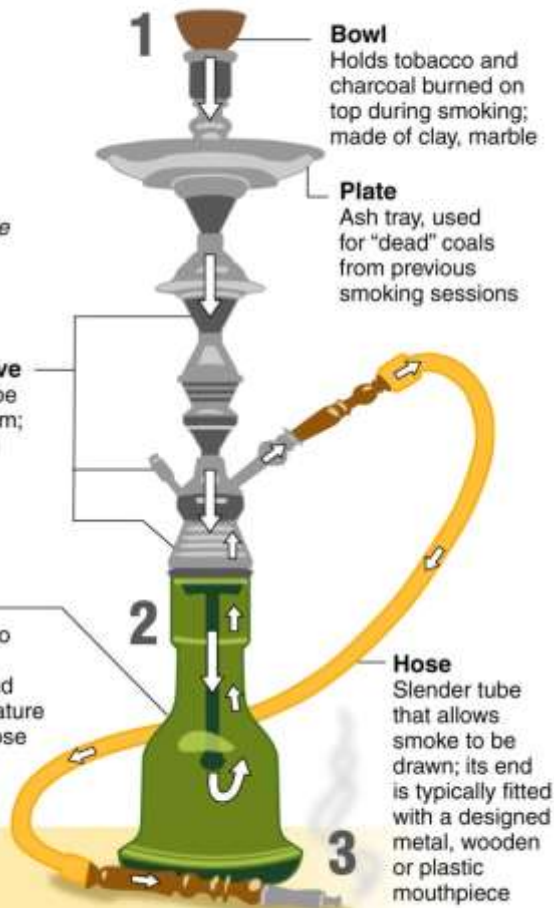
Bowl
Holds tobacco and charcoal burned on top during smoking; made of clay, marble

Plate
Ash tray, used for "dead" coals from previous smoking sessions

2

Hose
Slender tube that allows smoke to be drawn; its end is typically fitted with a designed metal, wooden or plastic mouthpiece

3



- Starting January 01, 2016, inspectors have the authority to remove a sample of a substance or any other thing that is relevant to the inspection.

Electronic Cigarette Act 2015

- Starting January 01, 2016, it is prohibited to sell and supply e-cigarettes to those under the age of 19



More Changes proposed

The ministry is considering further legislative and regulatory amendments that would strengthen smoking and e-cigarettes laws.

- Expand “no smoking rules” to apply to medical marijuana;
- Prohibit the use of e-cigarettes - including the use of vaporizers to consume medical marijuana and testing in stores that sell e-cigarettes – in all enclosed public places, enclosed workplaces, and other specified outdoor areas;
- Permit parents, guardians and caregivers to supply e-cigarettes to minors for medical marijuana purposes;



More Changes proposed

The ministry is considering further legislative and regulatory amendments that would strengthen smoking and e-cigarettes laws.

- Expand the definition of “e-cigarette” to include “e-substance”;
- Expand the list of places where e-cigarettes are prohibited for sale;
- Establish rules for the display and promotion of e-cigarettes at places where they are sold.



Questions and Concerns

To contact a member of our team:

1-800-660-5853

sfoa@healthunit.org

eca@healthunit.org

quit@healthunit.org

