

Ministry of Health



## **Smoke-Free Ontario Act, 2017**

# How the Act Affects: Enclosed Public Places

### **The Basics**

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical and recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

### **Enclosed Public Places**

Smoking and vaping is not permitted in enclosed public places. An "enclosed public place" means the inside of any place, building, structure or vehicle (or any part of them) that is covered by a roof and where the public is ordinarily invited or has access, regardless of whether a fee is charged for entry.

### **Exemption – Traditional Use of Tobacco by Indigenous Persons**

The prohibition on smoking tobacco and holding lighted tobacco in an enclosed workplace or an enclosed public place does not apply to:

- An Indigenous person who smokes tobacco or holds lighted tobacco for traditional Indigenous cultural or spiritual purposes.
- A non-Indigenous person who smokes tobacco or holds lighted tobacco, if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.

## Responsibilities of Proprietors of Enclosed Public Places

The SFOA, 2017 requires proprietors of enclosed public places to ensure that smoking and vaping laws are followed. A proprietor includes the owner, operator or person in charge of an enclosed public place.

Every proprietor of an enclosed public place must:

- Give notice to the public that smoking or vaping is not allowed in the place.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances, exits and washrooms of the place, in appropriate locations and in sufficient numbers, to ensure that the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the place.
- Ensure that no one smokes or vapes in the place.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the place

## Enforcement

Local public health units will carry out inspections and respond to complaints of smoking and vaping in enclosed public places.

## Penalties

An individual who violates the prohibition on smoking or vaping in an enclosed public place may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

### Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

### Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOLine** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking or vaping laws in enclosed public places, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health website: [ontario.ca/smokefree](http://ontario.ca/smokefree).