

Annex A

(3.2.2.3)

Selected sub national measures protecting Canadians from exposure to tobacco smoke

Nunavut

Nunavut's *Tobacco Control Act* prohibits the sale of tobacco products to persons under the age of 19, the sale of products appearing to be tobacco products, and the sale of tobacco in certain settings (nursing homes, health facilities, pharmacies, etc.).

British Columbia

On September 1, 2016 the government of British Columbia enacted the *Tobacco and Vapour Products Control Act* (TVPCA) and [Tobacco and Vapour Products Control Regulation](#), replacing the *Tobacco Control Act* and Regulation. The new Act and Regulation restricts the display, sale and use of vapour products and is consistent with the existing laws related to tobacco. Additionally, the provincial buffer zone around all doorways, open windows and air intakes had increased to 6 metres.

The TVPCA covers the following areas:

- Restrictions on the sale, distribution and advertising or promotion of tobacco and vapour products including prohibiting sale of tobacco and vapour products to minors under 19 years of age, prohibiting sale of cigarettes in packages of less than twenty, and requiring warning signs at points of sale;
- Restrictions on where tobacco and vapour products may be sold, offered for sale or distributed;
- Restrictions on where tobacco and vapour products may be used;
- Bans smoking and vaping in indoor public and work places and bans all tobacco and vapour use in schools and on school grounds;
- Restrictions on the retail display of tobacco and vapour products and the advertising or promotion of the use of tobacco and vapour products; and
- Specifying the powers of enforcement officers, and their right to seize and detain items that may constitute evidence of a tobacco or vapour product contravention or an offence.

The TVPCA requires all Health Authority properties be smoke and vape free including care homes, mental health facilities, etc. However, section 2.21(3) allows each Health Authority to designate smoking areas and the use of tobacco for ceremonial purpose.

http://www.bclaws.ca/civix/document/id/complete/statreg/96451_01

http://www.bclaws.ca/civix/document/id/complete/statreg/232_2007

Alberta

In Alberta, the *Tobacco and Smoking Reduction Act* and *Tobacco and Smoking Reduction Regulation* prohibits smoking in indoor public places, workplaces, public vehicles, work vehicles and within 5 metres from a doorway, window or air intake to a public place or workplace. Smoking in private vehicles with children present is also prohibited.

In Alberta, certain communities have bylaws that are more restrictive than the provincial legislation. These bylaws offer further protection from second-hand smoke. Some of them include bans on the smoking of water pipe and e-cigarettes in public places, while other municipalities ban smoking within hotel rooms.

The Alberta Health Services Tobacco and Smoke Free Environments Policy prohibit the use of tobacco products, tobacco-like products, and e-cigarettes and prevent exposure to second hand smoke at Alberta Health Services sites across the province.

Saskatchewan

The Ministry of Health's *Tobacco Control Act* prohibits smoking or holding lit tobacco in enclosed public places (EPP), within 3 metres of an EPP, and bans all tobacco use on school grounds. The Act and Regulations can be found at:

<http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/t14-1.pdf>

<http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/t14-1r1.pdf>

Smoking is banned in all enclosed workplaces and worksites in Saskatchewan by section 77 of the Saskatchewan Occupational Health and Safety Regulations. There are some exemptions that are listed in the link below:

<http://www.lrws.gov.sk.ca/new-workplace-smoking-ban-faq>

In some municipalities, the bylaws go beyond the provincial legislation to ban smoking in certain outdoor spaces, such as outdoor eating areas. Some stadiums are also voluntarily designated as smoke-free spaces.

Ontario

The *Smoke-Free Ontario Act* (SFOA) came into effect in Ontario on May 31, 2006. The SFOA prohibits smoking in enclosed workplaces and enclosed public places, including: public and private schools; common areas of condominiums, apartment buildings, university or college residences; child care centres and places where home child care is provided; reserved seating of outdoor sports arenas or entertainment venues; restaurant and bar patios (exemption for certain patios operated by a Legion or Veteran organizations prior to November 18, 2013); shelters with more than two walls and a roof; outdoor grounds of public and private hospitals, psychiatric facilities and specified government properties owned by the Province; nine metres of entrances and exits of specified health care facilities; children's playgrounds and publicly-owned sports fields, adjacent areas, and the areas within 20 metres of the playgrounds or sports fields.

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) received Royal Assent on December 12, 2017. The SFOA, 2017 will come into force on a day to be proclaimed by the Lieutenant Governor.

When the SFOA, 2017 comes into force, it will repeal the existing *Smoke-Free Ontario Act* (SFOA) and *Electronic Cigarettes Act, 2015* (ECA) and replace them with a single legislative framework. The new Act will regulate the sale, supply, use, display and promotion of tobacco and vapour products (e.g., e-cigarettes and e-cigarette accessories), and the smoking and vaping of medical cannabis in enclosed public places and workplaces, including: primary and secondary schools and their grounds; indoor common areas in condominiums, apartment buildings, and university or college residences; child care centres; places where home child care is provided; places where an early years program or service is provided; and reserved seating areas of outdoor sports or entertainment venues.

The proposed regulation to support the SFOA, 2017, if approved, would prohibit the smoking of tobacco, the use of e-cigarettes and the smoking and vaping of medical cannabis in restaurant and bar patios (except for uncovered patios established by a veterans' organization prior to November 18, 2013, provided that the patio is not used to vape recreational cannabis); sheltered areas with a roof and more than two walls to which the public is invited or employees frequent; children's playgrounds and public areas within 20 metres of playgrounds; sporting areas owned by the province, a municipality or post-secondary campus (excluding golf courses), adjacent spectator areas, and public areas within 20 metres of these places; nine meters from any entrance or exit of a public hospital, private hospital, psychiatric facility, long-term care home, and independent health facility; outdoor grounds of public hospitals, private hospitals and psychiatric facilities; outdoor grounds of certain Ontario government office buildings; public areas within 20 metres from the perimeter of the grounds of a school or a youth and/or children's recreation centre during the designated hours that children and youth are allowed to use the facility; and nine metres from a restaurant or bar patio. The ministry is currently consulting the public on the proposed regulation through Ontario's Regulatory Registry until March 3, 2018.

Manitoba

Manitoba provides a complete ban on smoking in enclosed public places and indoor workplaces.

Québec

L'usage du tabac est interdit dans pratiquement tous les lieux fermés autre qu'une résidence privée. Des restrictions d'usage extérieures sont également en vigueur. À ce chapitre, de nouvelles interdictions extérieures s'ajoutent suite à la sanction de la Loi visant à renforcer la lutte contre le tabagisme le 26 novembre 2015, notamment sur les terrasses commerciales et les terrains de jeux ou de sports fréquentés par des mineurs. Des directives gouvernementales administratives interdisent de fumer dans les centres de détention québécois et des municipalités ont adopté des règlements pour interdire de fumer dans les parcs publics sous leur responsabilité. Des établissements de santé ont adopté des politiques visant la création d'environnement sans fumée (intérieur et extérieur). Tous les établissements de santé de même que les établissements

d'enseignement post secondaires se devaient d'adopter ce type de politique pour le 26 novembre 2017.

New Brunswick

New Brunswick Smoke-free Places Act:

<http://nbatc.ca/en/uploads/Bill-75.pdf>

The New Brunswick Smoke-Free Places Act applies to all enclosed public places, indoor workplaces and school and RHA grounds. It also prohibits smoking in vehicles with passengers under age 16 years. In addition, in 2015, it prohibits smoking, vaping (any type of liquid) and the use of water pipes (any type of shisha) in many outdoor settings with a protective parameter, including; doors, entrances, air-intakes of public buildings, playgrounds, recreation areas, walking trails, beaches and provincial parks.

New Brunswick's legislation regarding smoke-free outdoor spaces has a far greater reach because it establishes larger smoke-free zones: 3m around patios, 9m around airways and doorways. It is also innovative because it makes New Brunswick the first province to implement smoke-free provincial parks and public trails.

In January 2017, the ban of all flavored tobacco products came into effect in NB.

SFPA: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.222.pdf>

Prince Edward Island

Provincial Smoke-Free Places Act:

<http://www.gov.pe.ca/health/index.php3?number=1020688&lang=E>

Nova Scotia

Smoke Free Places Act prohibits smoking in indoor workplaces, 4 meters away from air intake vents and opening windows, prohibits smoking in vehicles with passengers under 19 and in outdoor places where alcohol and food are served.

Newfoundland and Labrador

Comprehensive ban on smoking in indoor public places and workplaces.

The *Smoke-Free Environment Act, 2005* prohibits smoking in enclosed public places (e.g., restaurants, bars including patio decks, bingo halls, ferries), workplaces and in motor vehicles when persons under the age of 16 are present in the vehicle.

In June 2016, the Smoke-Free Environment, 2005 was amended:

- Prohibition on persons under the age of 19 from entering or working in a hookah establishment (came into force on June 7, 2016)

- Prohibition on the use of e-cigarettes and non-tobacco shisha in indoor public places and work place, and in motor vehicles when occupied by a person under the age of 16 (came into force on June 7, 2016)

Prohibition on hookah/water pipe smoking in indoor public places and workplaces including any existing hookah establishments (came into force on July 1, 2017).

<http://assembly.nl.ca/Legislation/sr/statutes/s16-2.htm>