

## Annex B

### C225 (3.2.2.5)

#### Infrastructure for enforcement for banning tobacco smoking in public places

##### British Columbia

Health Authorities (HAs) have delegated responsibility to enforce the *Tobacco and Vapour Products Control Act* and Regulations on behalf of the Province. Each of the five regional health authorities (HA) in BC employ enforcement officers (EOs) and environmental health officers (EHOs) to carry out all enforcement actions. EOs are granted the authority to enforce by Ministerial Order and EHOs receive their designation by class.

HA use risk assessment models to determine inspection frequency but are also complaint driven from members of the public.

Ticket penalties range from \$58-\$575 and administrative hearing penalties range from \$0-\$5000. Administrative hearings decisions can also impose prohibition periods (when a retailer cannot sell tobacco or vapour products) which range from 0-180 days.

Ticketing provision: <https://www2.gov.bc.ca/assets/gov/health/keeping-bc-healthy-safe/tobacco-regulation/typca-ticketing.pdf>

Administrative hearing Schedules 2 & 3:

<https://www2.gov.bc.ca/assets/gov/health/keeping-bc-healthy-safe/tobacco-regulation/typca-schedules-2-3-feb2017.pdf>

##### Alberta

The *Tobacco and Smoking Reduction Act* and the *Tobacco and Smoking Reduction Regulation* are enforced by municipal police agencies, RCMP and authorized peace officers. In addition, the Alberta Gaming and Liquor Commission also provide enforcement support related to specific sections of the legislation. Municipal bylaws are enforced by community bylaw officers.

The Alberta Health Services Tobacco and Smoke Free Environments Policy are enforced through designated peace officers.

##### Saskatchewan

Occupational Health and Safety Legislation includes prohibitions on smoking in indoor workplaces. Tobacco Control legislation prohibits smoking in public transportation.

Tobacco Enforcement Officers (TEOs) employed by Regional Health Authorities enforce the provisions in *The Tobacco Control Act* that prohibit smoking in enclosed public

places. The powers of the TEOs are identified in section 17 of *The Tobacco Control Act*.

The enforcement agency of the Occupational Health and Safety Regulations is the Ministry of Labour Relations and Workplace Safety, Occupational Health and Safety Division. Workplace inspections are done by Occupational Health and Safety Officers who note violations and enforce the Act and regulations. The smoking regulations are typically addressed during normal inspection activities or as a result of a complaint against an employer that there is a violation of this legislation. When a violation of Regulation 77 is noted, the tool used is a Notice of Contravention which is issued under the OHS legislation. The notice requires an employer to take action to correct a circumstance or activity that contravenes this legislation within a specified time period. If the employer fails to correct the contravention and continues the activity, it is deemed as flagrant non compliance and may be recommended for prosecution. Prosecutions may result in fines.

Another tool used is a Compliance Undertaking use when the employer voluntarily makes changes to comply with legislation.

### Manitoba

Schools must enforce the no-smoking on school grounds policy or be answerable to the Department of Education and be compelled to take steps to adhere to the policy. Provincial parks have Enforcement Officers who will enforce the no-smoking policy on beaches and playgrounds. Officers can evict for non-compliance.

Ontario

The Health Protection and Promotion Act (HPPA); and the *Smoke-Free Ontario Act* (SFOA) are the two statutes that direct tobacco control enforcement to both the Ministry of Health and Long-Term Care (MOHLTC) and the local Public Health Units (PHUs).

Tobacco enforcement officers (TEOs), who are inspectors employed by PHUs, currently enforce the *Smoke-Free Ontario Act* (SFOA) and the *Electronic Cigarettes Act, 2015* (ECA). Section 14 of the current SFOA and section 13 of the ECA allow the Minister of Health and Long-Term Care to appoint inspectors for the purpose of ensuring compliance with the legislation. TEOs employ a progressive enforcement approach defined as the graduated use of enforcement options consisting of education, warnings, re-inspections, Part I charges, and Part III charges to reflect the frequency and severity of the level of non-compliance and the likelihood of continued non-compliance.

### Québec

Nous identifions des inspecteurs qui sont responsables de surveiller la conformité de la loi.

### New Brunswick

Public Health Inspectors, Occupational Health and Safety Officers and Liquor Control Officers monitor compliance with and enforce legislation protecting New Brunswickers from exposure to tobacco smoke. RCMP and police officers ensure enforcement of the legislation as it pertains to smoking in vehicles.

### Prince Edward Island

Environmental Health Officers, Occupational Health and Safety Officers and Liquor Control Inspectors monitor compliance with legislation protecting Canadians from exposure to tobacco smoke. RCMP and police officers ensure enforcement of the legislation as it pertains to smoking in vehicles. Hospital security and administrators ensure compliance on their facility grounds.

### Newfoundland and Labrador

It is an offence to smoke in prescribed public places. The law dictates a penalty for violations. Enforcement of the *Smoke-Free Environment Act, 2005* is the responsibility of Service Newfoundland and Labrador. Environmental Health Officers enforce the public places provisions while Occupational Health and Safety Officers enforce the workplace provisions.

Ban is in place including a ban on designated smoking rooms. Exception is that remote work sites, underground mining operations and a marine installation may have a designated smoking room for workers

Bans are in place to prevent tobacco smoking in public transport as well as in indoor public places.

### Northwest Territories

Tobacco smoking is prohibited (banned) in indoor workplaces, on public transportation (buses and taxis), and in all indoor public places.

Environmental Health Officers can ticket and lay charges for violations of the Northwest Territories *Tobacco Control Act* and *Environmental Tobacco Smoke Work Site Regulations*.