

## Annex B

### C225 (3.2.2.5)

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

##### British Columbia

The Health Authorities (HAs) enforce the *Tobacco Control Act/Tobacco Control Regulations* (TCA/TCR) and have tobacco enforcement officers (TEOs) and environmental health officers (EHOs). The latter have the authority to ticket individuals/corporations and there is also an administrative hearing process for specific contraventions. The HAs have jurisdiction throughout BC. The TEOs and EHOs conduct at least one annual inspection of the tobacco retailers (TRs). There may be more inspections depending on whether or not compliance with the legislation is an issue. Penalties for contraventions range from \$0-\$5000. There are also prohibition periods (when a TR cannot sell tobacco) which range from 0-180 days. Different enforcement strategies target different contraventions, for example, sales to minors involves HAs hiring minor test shoppers to see if TRs are adhering to the legislation. The enforcement strategy also applies to displays in stores which can be seen by minors. There is a complaint driven system whereby members of the public can send in a complaint which will be investigated by TEOs/EHOs.

##### 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. The 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 up to \$10,000 and if the contravention continues, there may be an additional fine of up to \$1000 per day for every day the offense continues. If a second offense is recorded then the fine structure doubles.

### 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 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).

### Québec

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

### New Brunswick

Public Health Officers, Occupational Health and Safety Officers and Liquor Control Inspectors 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.

Both Regional Health Authorities who have responsibility for all NB hospitals, have or are in process of implementing policies to ban smoking on hospital grounds, as such they will be responsible for compliance/enforcement.

### 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*.