

Annex B

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 to 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 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 on no sales to minors. Same 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 Reduction Act and the Tobacco Reduction Regulation have police agencies as the primary enforcers. 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 has security staff who are designated as peace officers as their enforcement agency.

Saskatchewan

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

Enforced by Public Health Inspectors and Workplace Safety and Health Officers who have legislative powers to lay charges for non-compliance.

Ontario

The Health Protection and Promotion Act (HPPA) and the Smoke-Free Ontario Act (SFOA) are two statutes that direct tobacco control enforcement to both the Ministry of Health Promotion and Sport (MHPS) and local Public Health Units (PHUs). The Ontario Public Health Standards (OPHS) outline the requirements for fundamental public health programs as services as per section 7 of the HPPA. The Chronic Disease Prevention Standard mandates PHUs to implement comprehensive tobacco control programming. Tobacco programming includes the enforcement by PHUs of the SFOA. The Minister of MHPS is responsible for administering the SFOA. Section 14 of the SFOA allows the Minister to appoint Inspectors for the purpose of enforcing the SFOA to ensure compliance with the SFOA.

The MHPS has provided PHUs with some guidance on inspection processes and has offered extensive training on the SFOA. PHUs incorporate a progressive enforcement approach defined as the use of more stringent charging options to reflect the frequency and severity of non-compliance (i.e. educate, inspect, warn, re-inspect, charge). Information collected during an inspection is captured in a Tobacco Inspection System (TIS) database. All 36 PHUs have a complaint driven system in place to respond to citizen calls for observed non-compliance.

Québec

Nomination d'inspecteurs responsables de surveiller la conformité de la loi.

Prince Edward Island

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

Newfoundland and Labrador

It is an offence to smoke in public places listed above and the law dictates a penalty for violations. Enforcement of the Smoke-Free Environment Act, 2005 is the responsibility

of the Department of Government Services through Environmental Health Officers and Occupational Health and Safety.

Northwest Territories

Environmental Health Officers can ticket and lay charges

Prince Edward Island

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