



Questions and Answers

Smoke-free Places Act and Regulations

October 13, 2006

Who is affected by the changes to the Smoke-free Places Act?

The changes to the Smoke-free Places Act coming into effect on December 1, 2006 will ensure all indoor workplaces and public places are smoke free. Smoking will not be permitted in a designated smoking room in any indoor workplace or public space, including offices and factories.

Smoking will not be permitted in any licensed outdoor area or patio permitted for the consumption of food and beverages.

I have a patio where I serve drinks and food—is smoking allowed?

The changes coming into effect on December 1, 2006 require outdoor areas of all restaurants, lounges, beverage rooms and cabarets to be smoke free if that area is used for the serving or consumption of food or beverages.

All enclosed public places and workplaces are to be smoke free. If a licensed establishment has a separate unlicensed area where food and/or drink is not served or consumed, and is not enclosed (i.e. does not have a roof or any walls or barriers), and is 4 metres from building entrances, open windows or air intake vents, smoking can be permitted.

How does the smoke-free law apply to community halls and fire halls?

Smoking is not permitted in any of these places at any time.

I have a designated smoke room (DSR)—am I allowed to continue allowing my customers use it while they are smoking?

No. On December 1, 2006 designated smoke rooms DSRs will no longer be permitted under the *Smoke-free Places Act*. This change means that existing DSRs in all workplaces as well as bars, restaurants, cabarets, private clubs, bingos, casino complexes and any

other place licensed to serve alcoholic beverages are to be discontinued on December 1, 2006. Managers of indoor workplaces and public places are to ensure smoking does not occur in these areas formerly used as DSRs.

I have spent money to build a designated smoking room—will the provincial government compensate me?

No.

What signage is required?

There is no requirement for signage except for long term care facilities that are permitted to build and maintain designated smoke rooms as specified in the regulations.

How will the Smoke-free Places Act be enforced?

Enforcement remains the same as currently in effect. Employers and managers must ensure compliance in their own establishments or place of work. The amended Smoke-free Places Act will continue to be enforced by provincial inspectors across four government departments. For example, enforcement in licensed establishments will be conducted by inspectors with the Alcohol and Gaming Authority (AGA). Inspectors will monitor the legislation as part of their routine inspection work. They will also investigate complaints.

What are the penalties for business owners who violate the Smoke-free Places Act?

The penalties remain the same as those currently in effect:

14 (2) Every manager or employer who contravenes this Act or the regulations or fails to comply with an order made pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction for a first offence to a fine of not more than two thousand dollars, for a second offence to a fine of not more than five thousand dollars and for a third or subsequent offence to a fine of not more than ten thousand dollars.

(3) In addition to any penalty levied pursuant to subsection (2) upon conviction for an offence contrary to this Act, an authority authorized to suspend or cancel any licence or permit issued in respect of the premises where the offence was committed may suspend or cancel that licence or permit. 2002, c. 12, s. 14 .

Where can I get more information?

You can visit the Department of Health Promotion and Protection at
www.sickofsmoke.com

or call

1.800.565.3611