

The Tobacco Control Act

What Retailers Need to Know

SIGNS AND SIGNAGE REQUIREMENTS FOR SMOKE-FREE PUBLIC PLACES

“No Smoking” signs

In places or premises where smoking is prohibited, the proprietor is required to post signs:

- At each customer entrance;
- In seating and waiting areas; and
- In each public washroom located in the place or premises.

“No Smoking in designated non-smoking areas” signs

If a business falls under Section 12 of the Act the proprietor is required to post:

- Signs at each customer entrance; and
- Sufficient signs to clearly mark the designated non-smoking areas.

Signage Requirements

“No Smoking” and “No Smoking in designated non-smoking areas” signs must meet the following requirements:

- The signs must be at least 12.7 cm by 12.7 cm (5 in. by 5 in.); and
- Contain the international “No smoking” symbol.

Businesses are not required to use signs provided by Saskatchewan Health. You may purchase your own signs provided they meet these requirements.

Signs provided by Saskatchewan Health

Saskatchewan Health provides the following signs for smoke-free public places at no charge:

- The 12.7 cm by 12.7 cm (5 in. by 5 in.) “No Smoking” and “No Smoking in designated non-smoking areas” signs. These signs are transparent with permanent adhesive.
- “No smoking” and “Smoking Permitted” signs, 21.59 cm by 27.94 cm (8½ in. by 11 in.), on cardboard.
- “No Smoking” and “Smoking Permitted” signs, 7.62 cm by 7.62 cm (3 in. by 3 in.), on cardboard.

To order these signs, call the Saskatchewan Property Management Corporation, Distribution Centre at (306) 787-2056, or fax your order to (306) 787-0194, or email ernie.moro@spmc.gov.sk.ca. For your convenience, sample signs are included in the mailing of this bulletin.

References:

- * Physicians for a Smoke-free Canada: *Second Hand Smoke*: September 1999.
- ** <http://crystal.com.au/~acosh/legalcases.htm>
- *** The Conference Board of Canada: *Smoking and the Bottom Line: The Costs of Smoking in the Workplace*, January 1997; Alberta Tobacco Control Centre, June 1999, U.S. EPA 1994.

The purpose of *The Tobacco Control Act* is to control the sale and use of tobacco and tobacco-related products in an effort to reduce tobacco use, especially among Saskatchewan young people, and to protect young people from exposure to second-hand smoke.

This is the fourth in a series of bulletins that will provide tobacco retailers with information about Saskatchewan’s *Tobacco Control Act* and *The Tobacco Control Regulations*.

The last issue contained information for retailers about “due diligence” in terms of retail sales and selling tobacco products to minors.

This bulletin discusses:

- *The Summary Offences Procedure Regulations, 1991*;
- Fines and offences under *The Summary Offences Procedure Regulations, 1991*;
- Smoke-free public place provisions of *The Tobacco Control Act*; and
- Signs and signage requirements for smoke-free public places.

This bulletin is for the purposes of providing assistance to retailers to understand requirements of the Act. It is intended as a general guide and should not be used as a substitute for the legislation. The Act and regulations should be consulted for all purposes of interpretation and application of the requirements of the law.

THE SUMMARY OFFENCES PROCEDURE REGULATIONS, 1991

The Tobacco Control Act and *The Tobacco Control Regulations* were proclaimed on March 11, 2002. At the same time amendments were made to *The Summary Offences Procedure Regulations, 1991*, so that tobacco enforcement officers could issue tickets for offences under the Act and Regulations.

Voluntary payment tickets

If a voluntary payment ticket is issued, the defendant can pay the fine outlined in *The Summary Offences Procedure Regulations, 1991* without having to go to court. Paying the fine is equivalent to pleading guilty to the charge. A defendant who chooses to contest the charge by pleading not guilty has the option of going to court.

A tobacco enforcement officer cannot issue a voluntary payment ticket to a retailer who has a previous conviction for selling tobacco products to young people or for offences under Section 18 of the Act. Section 18 includes provisions for obstructing a tobacco enforcement officer and providing false or misleading information.

Required Court Appearances

Tobacco enforcement officers have the discretionary authority of requiring a court appearance and can either issue a summons ticket or lay long form charges. In the case of a summons ticket, the person charged will receive a summons ticket which requires the defendant to appear in court. A court date will be entered on the ticket and the defendant will be expected to appear in the courtroom on that date identified on the ticket. In these cases, if the defendant is found guilty, the court will determine the amount of the fine up to the maximum amounts outlined in *The Tobacco Control Act*.

Tobacco enforcement officers have the authority to lay long form charges for any offence under *The Tobacco Control Act*. In Saskatchewan, this is the way violations under the federal *Tobacco Act* are currently being handled. A court appearance is required if this process is used.

The chart in this bulletin outlines the ticketed fines and offences under *The Summary Offences Procedure Regulations, 1991*.

FINES AND OFFENCES

The Summary Offences Procedure Regulations, 1991

Under The Summary Offences Procedure Regulations, 1991, tobacco enforcement officers are allowed to issue tickets for offences under The Tobacco Control Act. For some offences, tobacco enforcement officers have the discretionary authority to include a voluntary payment option, or issue a summons that requires the person to appear in court. Those offences are noted in the chart below.

\$500 voluntary payment or a summons to appear in court.	\$250 voluntary payment or a summons to appear in court.	\$150 voluntary payment	\$100 voluntary payment	No voluntary payment option
<p>Section 12(2)(a) Failing to designate non-smoking areas as required.</p> <p>Section 12(2)(b) Failing to prohibit persons from smoking in designated non-smoking areas.</p>	<p>Section 4 Furnishing tobacco or tobacco-related products to a young person. <i>(A tobacco retailer could be issued a voluntary payment ticket for the first offence. Subsequent offences require a court appearance.)</i></p> <p>Section 5 Selling cigarettes in packages of less than 20.</p> <p>Section 6(1) Advertising or promoting tobacco or tobacco-related products.</p> <p>Section 6(3) Displaying tobacco or tobacco-related products.</p> <p>Section 8 Selling tobacco or tobacco-related products in places where tobacco sales are prohibited.</p> <p>Section 9 Placing or permitting a vending machine in a prohibited place.</p>	<p>Section 6(2) Advertising or promoting tobacco or tobacco-related products in the window of a store where tobacco products are sold.</p> <p>Section 7(1) Displaying unauthorized signs.</p> <p>Section 7(2) Failing to post provincial signs.</p> <p>Section 11(1) Smoking in public places where children have access.</p> <p>Section 11(2) Smoking in prohibited places or premises.</p> <p>Section 14 Failing to ensure that ashtrays etc. are not available in non-smoking areas.</p> <p>Section 19 Removing, covering up, mutilating, defacing or altering a sign required to be posted.</p>	<p>Section 13 Failing to post signs in places or premises where smoking is prohibited.</p>	<p>Section 18(1) Obstructing a tobacco enforcement officer.</p> <p>Section 18(2) Making a false or misleading statement or providing a false document to a tobacco enforcement officer.</p>

SMOKE-FREE PUBLIC PLACE PROVISIONS OF THE TOBACCO CONTROL ACT

The harmful effects of second-hand smoke

The chemicals in tobacco smoke can cause many adverse health effects for both smokers and non-smokers. Certain medical conditions are made substantially worse by tobacco smoke: 25 percent of the population suffers from asthma, heart failure, emphysema and other medical conditions that are made worse by tobacco smoke. *

Many employers have acknowledged the health risks associated with second-hand smoke and have banned smoking from the workplace.

In a landmark lawsuit in Australia in March 2001, a bar attendant with throat cancer was awarded \$450,000 in damages. The court and jury agreed that this non-smoker developed cancer purely from working in a smoking environment. **

Benefits of having a smoke-free business

According to the Conference Board of Canada and other sources, there are monetary benefits to going smoke-free. Some of the benefits are:

- Reduction in insurance costs;
- Decreased absenteeism and increased productivity;
- More rapid customer turnover and lower operating costs;
- Reduced property maintenance and cleaning (\$85 Canadian per smoker per year); and
- Reduced health care costs. A non-smoking business pays about US\$56 (\$87.82 Canadian) per employee per year in health-care work-attendance costs, compared with an average of US\$490 (\$788.39 Canadian) per employee per year in businesses where smoking is allowed.***

Places or premises where smoking is prohibited under The Tobacco Control Act

Part III of *The Tobacco Control Act* deals with protection against environmental tobacco smoke. The goal is to protect people, especially young people, from the hazards of second-hand tobacco smoke and to denormalize tobacco use.

Section 11 of the Act outlines where smoking is prohibited, and:

- 11(1) Refers to the general rule which prohibits smoking in most enclosed public places where children ordinarily have access; and
- 11(2) Specifically identifies some of the places and premises where smoking is prohibited.

Sub clause 11(2)l of *The Tobacco Control Act* prohibits smoking in **any portion of an office building, retail store or other business or commercial establishment to which the public is ordinarily permitted access**. This provision prohibits smoking in the public areas of all retail outlets, including age-restricted tobacco retail outlets.

Places or premises where smoking is restricted

Section 12 of the Act outlines places where smoking is restricted, but not prohibited. Those places include billiard halls, bingo establishments, bowling centres, casinos, restaurants and taverns.

If you have a "public eating establishment permit" or a "tavern permit" for your business or for a portion of your business you must comply with Section 12 of Act in those areas where smoking is restricted under Section 12.