



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to July 1, 2006. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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**CHAPTER S-4.2**  
**SMOKE-FREE PLACES ACT**  
**GENERAL REGULATIONS**

Pursuant to section 20 of the *Smoke-free Places Act* Stats. P.E.I. 2002(2nd), c.25, Council made the following regulations:

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|---|---|
| <p><b>1. (1) In these regulations</b></p> <p>(a) “door” includes an air curtain, if the door gives access to a patio;</p> <p>(b) “make-up air” means, in respect of the ventilation of a room, air that originates from the outdoors or from outside of the room;</p> <p>(c) “patio” means any outdoor area that is used or operated as part of, or in conjunction with, an eating establishment or licensed premises.</p>  | <p>Definitions</p> <p>door</p> <p>make-up air</p> <p>patio</p>  |
| <p><b>(2) In the Act and these regulations</b></p> <p>(a) “elementary, intermediate or secondary school” includes</p> <p style="padding-left: 20px;">(i) any building or structure that is located on the grounds of such a school and that has four walls and a roof, and</p> <p style="padding-left: 20px;">(ii) the grounds of such a school;</p> <p>(a.1) “hospital” includes any building or structure that is located on the grounds of the hospital and that has four walls and a roof;</p> <p>(a.2) “independent ventilation system” means a ventilation system which</p> <p style="padding-left: 20px;">(i) supplies make-up air to a room, and</p> <p style="padding-left: 20px;">(ii) removes air from the room and discharges it directly outdoors;</p> <p>(b) “negative air pressure” means, in respect of a room, a state of air pressure in the room, induced by an independent ventilation system, that is less than that in the areas or rooms immediately adjoining the room.</p> | <p>Definitions</p> <p>elementary, intermediate or secondary school</p> <p>hospital</p> <p>independent ventilation system</p> <p>negative air pressure</p> |
| <p>(3) For the purposes of these regulations, a designated smoking room in which smoking has occurred is deemed to be free from second-hand smoke after the independent ventilation system for the room has completed five full air exchanges after smoking in the room has ceased. (EC279/03; 289/06)</p>  | <p>Room free from second-hand smoke</p>   |
| <p><b>2. (1) Where, in the circumstances permitted under the Act and these regulations, an owner of a public place or workplace, or an employer at a</b></p>  | <p>Designation of a smoking area</p>  |

workplace, wishes to designate an area in the place as a smoking area, the owner or employer shall effect the designation by conspicuously posting, near each entrance to the smoking area, a sign, as depicted in Schedule A, that identifies the area as a designated smoking area.

Restrictions on location

(2) An outdoor area in a public place or workplace may not be designated as a smoking area under section 8 of the Act if the area, or any part of the area, is

(a) within either

(i) 4.5 m or 15 feet of any entrance to the indoor non-smoking areas of the place where no part of the outdoor area is used as a patio, or

(ii) 2.4 m or 8 feet of any entrance to the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio; or

(b) within either

(i) 4.5 m or 15 feet of any outdoor intake of make-up air for the indoor non-smoking areas of the place, where no part of the outdoor area is used as a patio, or

(ii) 4.5 m or 15 feet of any outdoor intake of make-up air for the indoor non-smoking areas of the place, where all or part of the outdoor area is used as a patio.

Exception for existing patios

(3) The restriction set out in subclause (2)(b)(ii) does not apply in respect of any outdoor area that is used as a patio and that was so used before the day this section comes into force.

Measurement of distance

(4) For the purposes of determining whether an outdoor area has been designated as a smoking area in compliance with subsection (2), the distance of the designated smoking area, or any part of that area, from an entrance or an outdoor intake of make-up air shall be measured from the side of the entrance or intake that is closest to the designated smoking area or any part of that area. (EC279/03)

Floor area, restrictions

**3.** (1) A room in a public place or workplace may not be designated as a smoking area under section 8 of the Act if the floor area of the room exceeds 25% of the total floor area of the public place or workplace that is accessible to the public.

Rooms and areas excluded from total floor area

(2) The floor area of the following rooms and areas in a public place or workplace shall not be included in the calculation under subsection (1) of the total floor area of that place that is accessible to the public:

(a) washrooms;

(b) offices;

(c) stairwells;

(d) kitchens. (EC279/03)

4. (1) Where a public place or workplace has no designated smoking area, a sign indicating that smoking is not permitted in the public place or workplace shall be posted conspicuously near every entrance to the public place or workplace. Signs where no designated smoking area

(2) A sign posted in accordance with subsection (1) shall be as depicted in Schedule B. *Idem*

(3) Where a public place or workplace has a designated smoking area, a sign indicating that smoking is not permitted outside the designated smoking area shall be posted conspicuously near every entrance to the public place or workplace. Signs where designated smoking area

(4) A sign posted in accordance with subsection (3) shall be as depicted in Schedule C. (EC279/03) *Idem*

5. (1) A sign posted in accordance with subsection 2(1) and subsections 4(1) and (2) shall measure at least 21 cm or 8 1/2 inches in width and at least 28 cm or 11 inches in height. Minimum dimensions of signs

(2) The owner of a public place, and the employer at a workplace, shall ensure that the signs required to be posted under the Act and these regulations Obstruction, replacement

(a) are not obstructed by other signs, advertisements or other things; and

(b) are replaced, as soon as is reasonable, if defaced or damaged.

(3) The information required to be displayed on a sign depicted in Schedules A to C may also be displayed on the sign in such additional language as is preferred by the owner or employer who posts the sign or causes it to be posted. (EC279/03) Bilingual signs

6. (1) A room in a public place or workplace may not be designated as a smoking area under section 8 of the Act unless it is equipped with an independent ventilation system that Independent ventilation system

(a) provides, when in operation, a negative air pressure inside the room of at least 5 pascals;

(b) has exhaust openings for the air removed from the room that are located

(i) at least 3.6 m or 12 feet above ground, and

(ii) at least 1 m or 3.3 feet above the height of the nearest outdoor intake of make-up air; and

(c) complies with all relevant provincial and municipal laws.

(2) During the hours that a designated smoking room is open for use, the owner or employer who made the designation shall ensure that the independent ventilation system for the room is in operation. Operation

Window	<p>(3) A room in a public place or workplace may not be designated as a smoking room under section 8 of the Act unless it has a window, in a wall or a door, that</p> <ul style="list-style-type: none"> <li>(a) is made of clear glass, plexiglass or plastic; and</li> <li>(b) is at least 0.6 m or 2 feet in width and 0.6 m or 2 feet in height.</li> </ul> <p>(EC279/03)</p>
Long-term care facility — ventilation system	<p>7. The ventilation system required by a long-term care facility for the purpose of clause 5(2)(a) of the Act is a fan and a direct vent exhaust system that prevents the movement of smoke from the rooms or areas in the facility where smoking is to be or is permitted. (EC279/03)</p>
Employees working in or entering designated smoking room	<p>8. (1) An owner of a public place, or an employer at a workplace, may permit an employee to enter or work in a designated smoking room in the public place or work place if</p> <ul style="list-style-type: none"> <li>(a) the employee <ul style="list-style-type: none"> <li>(i) volunteers to enter or work in the room,</li> <li>(ii) spends no more than 20%, in total, of any workday or shift of the employee in the room, and</li> <li>(iii) does not serve food or beverages in the room, where the room is in an eating establishment or licensed premises;</li> </ul> </li> <li>(b) the employee is entering the room to <ul style="list-style-type: none"> <li>(i) respond to an emergency that endangers a person's life or health or property, or</li> <li>(ii) investigate suspected illegal activity; or</li> </ul> </li> <li>(c) the room is free from second-hand smoke.</li> </ul>
Records	<p>(2) Where the owner of a public place, or an employer at a workplace, permits an employee to enter or work in a designated smoking room in the public place or workplace, the owner or employer shall keep a written record of</p> <ul style="list-style-type: none"> <li>(a) the name of the employee;</li> <li>(b) the length of time spent by the employee in the designated smoking room during each workday or shift of the employee;</li> <li>(c) the hours worked by the employee during each workday or shift; and</li> <li>(d) any visit to the designated smoking room for a purpose referred to in clause (1)(b). (EC279/03)</li> </ul>
Inspectors	<p>9. The following persons are deemed to be inspectors by virtue of their office:</p> <ul style="list-style-type: none"> <li>(a) liquor control inspectors appointed under the <i>Liquor Control Act</i> R.S.P.E.I. 1988, Cap. L-14;</li> <li>(b) occupational health and safety officers appointed under the <i>Occupational Health and Safety Act</i> R.S.P.E.I. 1988, Cap. O-1.</li> </ul> <p>(EC279/03)</p>



**SCHEDULE A****DESIGNATED  
SMOKING AREA****SMOKING PERMITTED****WARNING:**

Exposure to tobacco smoke increases health risks  
including cancer, cardiovascular disease, lung disease  
and can harm unborn babies.

*PEI Smoke-free Places Act*

**SCHEDULE B**



**We are Smoke-free**

*PEI Smoke-free Places Act*



**SCHEDULE C**

**This is a Smoke-free Area.  
Smoking is not permitted  
outside of designated  
smoking area**

*PEI Smoke-free Places Act*