

# Smoke-Free Places Act

Under the Smoke-free Places Act, “smoke” has the following definition:

*“Smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled.*

Go to the Smoke-free Places Act for a full list of definitions referred to in this fact sheet.

## The act prohibits any person from smoking in the following enclosed areas:

Including but not limited to:

- A meeting or conference room/hall.
- Market or store.
- A work vehicle.
- Residential/commercial building (corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms or restrooms).
- Within 4m of building intake for a building ventilation system, an open window of a place of employment or an entrance to a place of employment.

For a complete list of enclosed and outdoor areas where smoking is prohibited refer to the Smoke-free Places Act.

## The act prohibits any person from smoking in the following residential facilities:

- Any building or facility listed above.
- A nursing home or residential care facility licensed under the Homes for Special Care Act.

## The act prohibits any person from smoking in the following places of employment:

- No person shall smoke and no employer shall let a person smoke in any place of employment except as permitted in residential facilities.
- “Place of employment” means an enclosed place, other than a vehicle, in which employees perform the duties of their employment and includes an adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other common area workers enter during the course of their employment.

## Ashtrays not permitted

Ashtrays are not to be placed in any area where smoking is prohibited except for a motor vehicle.

## Protection of employees

The right to refuse work and discriminatory actions under the Occupational Health and Safety Act apply to a place of employment under the act.

## Under-age possession prohibited

No person under the age of 19 years may possess tobacco or electronic cigarettes unless otherwise has permission by a person whose duty is to enforce compliance of the act.

A peace officer may search a person and confiscate any tobacco or electronic cigarettes.

## Inspectors

### Inspectors may:

- Enter and inspect any place, at any reasonable time without warrant or notice, and evaluate, ask questions, and do tests deemed necessary.
- Interview or ask questions of any person who is or was in a place evaluated.
- Enforce the regulations.

## Compliance Order

Inspectors may issue a compliance order, if there is a violation of the act.

## Offences

- Workers may be subject to a fine of up to \$2000, if found guilty of an offence.
- Employers found guilty of a first offence may be fined up to \$2000, a second offence of up to \$5000, and a third offence of up to \$10,000 with the possibility of having the locations licence or permit suspended or cancelled.

## Regulations

### Regulations may be made for the following by the Governor in Council:

- Designate buildings.
- Prescribe type of enclosure and ventilation.
- Air Quality Standards for designated smoking and non-smoking areas.

- Design standards for ventilation and air quality.
- Maintenance standards for air quality standards.
- Prescribe maintenance of records to ensure compliance with the act and regulations.
- Posting of signs.
- Determine fines for persons under the age of 19 in possession of substances under the act.
- Prescribe powers and duties of inspectors.
- Any matter the Governor in Council deems necessary and advisable to carry out as it pertains to the intent of the act.

### Conflict of Act with other authority

The act or any authority does not regulate, restrict or prohibit smoking or a person from smoking.

### Smoke-Free Places Regulations

Go to the Smoke-free Places Regulations for a full list of definitions referred to in this fact sheet. The definition gives the true meaning of the word and how it is applied under the regulations.

### Designated smoking-room locations:

A designated smoking room must be located so that a person is not required to enter into it to access an area where smoking is prohibited.

### Designated smoking-room ventilation requirements

- A designated smoking room may have a wall or ceiling opening as long as the minimum velocity required flowing into the room is maintained.
- A ventilation system must be designed to have sufficient capacity for the occupancy level of the room as determined by the owner, but not exceeding the maximum occupancy level permitted by law at all times.
- Maintain the flow of make-up air into the designated smoking room at:
  - o a minimum rate of 15 L/s/occupant based on the number of occupants averaged over any 15-minute;
  - o a minimum velocity of 0.36 m/s second through each opening.

### Ventilation system design, operation and maintenance documentation:

Prior to using a ventilation system for the first time, an owner shall ensure:

- That an engineer prepares the physical and mechanical design specifications for the ventilation system;
- Prepares an operation and maintenance plan for the system including written procedures for the operation, inspection, testing, cleaning, calibration, & maintenance;
- Conduct a functional performance test of the system and prepare a report of the results;
- Prepare a certificate stating that the system has been designed and installed in conformance with ASHRAE Standard 62-2001 at the time the functional performance test was conducted;
- Operating in conformance with ASHRAE Standard 62-2001, and is capable of operating at the occupancy level for which it was designed.

The written procedures for the operation, inspection, testing, cleaning, calibration, and maintenance of the ventilation system include:

- Monitored and maintained within its physical and mechanical design specs;
- Outline how to operate the ventilation system, including the hours of operation;
- Outline a schedule of inspections, testing, cleaning, calibration, & maintenance;
- Reviewed by an engineer, and amended if necessary.

An owner shall keep the documents available for inspection. If a document is amended, the owner is required to keep only the most current version.

### Records

An owner must ensure that a record is made of each inspection, testing, cleaning, calibration, and maintenance activity.

A record to include the date and type of activity performed; the name of the person who performed the activity and their employer; the components of involved; and the test results, observed deficiencies, and any remedial, action taken, and kept for at least 2 years.

### Maximum size of a designated smoking room:

The maximum size of a designated smoking room must be 92.9 m<sup>2</sup> for a place with an area less than 929 m<sup>2</sup>; or 10% of the total area for a place with an area greater than 929 m<sup>2</sup>.

### Signage

An owner must display a “Designated Smoking Room” sign with the following:

- Designated smoking room.
- Only residents permitted.
- No persons under 19 permitted.
- Maximum occupancy.

A “Designated Smoking Room” sign must be placed immediately above or in close proximity to each entrance of a designated smoking room; and not blocked by other signs, advertisements or promotions.

An owner must assume any costs associated with the signage. Additionally, an inspector may order the removal of a sign that the inspector finds to be in violation of the regulations.

### For more information:

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