



October 2018

Dear Mr. Dan Best,

The ***Smoke-free Ontario Act, 2017*** (*SFOA, 2017*) came into effect on October 17, 2018. The *SFOA, 2017* regulates the sale, supply, display, promotion and use of tobacco and vapour products (e.g., e-cigarettes), and the smoking and vaping of cannabis. Additional substances could be made subject to the *SFOA, 2017* by regulation in the future.

The *SFOA, 2017* and its regulation will prohibit the smoking of tobacco and cannabis, and the use of an e-cigarette to vape any substance in all enclosed public spaces and enclosed workplaces, as well as additional prohibited places, such as **child care centres, and within 20 metres of children's playgrounds and sporting areas**, where the smoking of tobacco was prohibited under the previous *SFOA*. In addition to a number of spaces which had been prescribed under previous legislation, new prohibitions for the use of these products as defined in the *SFOA, 2017* include:

- Smoking or vaping on **recreation facility** property and within a 20m perimeter of their grounds

Representatives from the Huron County Health Unit have begun working with all community stakeholders, including contacting staff at municipalities, to discuss these changes in further detail, in particular the implications for municipal properties, such as recreation facilities, effects on special events, fairs, and festivals.

Huron County Health Unit Tobacco Enforcement Officers are designated to enforce this legislation and will continue to work with owners, operators, and proprietors of properties to ensure compliance with provincial requirements.

With ongoing communication, collaboration, and a commitment to due diligence, we are confident that compliance can be achieved and maintained. We look forward to working together to support the continued efforts to protect all Huron County residents from tobacco and other smoking related harms. If you have any questions, please contact me at 519-482-3416 x2245 or plandry@huroncounty.ca.

Sincerely,


Patrick Landry, CPHI(C)
Public Health Inspector | Tobacco Enforcement Officer
Huron County Health Unit

Huron County Health Unit

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Smoke-Free Ontario Act, 2017

How the Act Affects: Children's Playgrounds

The Basics

The Smoke-Free Ontario Act, 2017 prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Children's Playgrounds

Smoking and vaping is not permitted on children's playgrounds or in public spaces within 20 metres of the perimeter of a playground.

A children's playground is:

- An area open to the public at no cost or for a fee, primarily used for children's recreation and equipped with children's play equipment, such as:
 - Slides;
 - Swings;
 - Climbing apparatuses;
 - Splash pads;
 - Wading pools; and
 - Sandboxes.

These restrictions include playgrounds at hotels, motels and inns. It does not apply to playgrounds intended for residents of apartments, condominiums or campgrounds.

Note: Additional restrictions on smoking and vaping may exist in municipal or condominium bylaws; lease agreements, and the policies of employers and property owners.

Owner Responsibilities

It is the responsibility of the owner, operator or the person in charge of the place to ensure that smoking and vaping laws are followed.

They are required to:

- Give notice to the public that smoking and vaping is prohibited in the place.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances and exits to the smoke- and vape-free area, in appropriate locations and in sufficient numbers, to ensure the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the place.
- Ensure that no one smokes or vapes in the place.
- Ensure that someone who refuses to comply with Ontario’s smoking and vaping laws do not remain in the place.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding smoking and vaping on and around children’s playgrounds.

Penalties

An individual who violates the prohibition on smoking or vaping on and around children’s playgrounds may be charged and if convicted, may face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An owner that fails to fulfill their responsibilities under the law may be charged and if convicted, may face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws applicable to playgrounds, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/location.aspx>.

For more information on the Smoke-Free Ontario Act, 2017, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.



Smoke-Free Ontario Act, 2017

How the Act Affects: Community Recreational Facilities

The Basics

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Community Recreational Facilities

Smoking and vaping is not permitted on the outdoor grounds of community recreational facilities or in public spaces within 20 metres of the perimeter of the grounds.

A community recreational facility is an enclosed public place or an enclosed workplace where:

1. The place is owned or operated by a charity, non-profit or government.
2. The place is primarily used for the purposes of providing athletic or recreational programs or services to the local community, including children and youth, whether or not a fee is paid for the use.

For example:

- a) Sports programs;
 - b) Children's play programs; or
 - c) Fitness programs.
3. The public is normally allowed access.
 4. The place is not primarily a private dwelling.

Owner Responsibilities

It is the responsibility of the owner, operator or the person in charge of the place to ensure that smoking and vaping laws are followed.

They are required to:

- Give notice to the public that smoking is prohibited in the smoke-free and vape-free areas.
- Post “No Smoking”, and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances, exits and washrooms of the smoke and vape-free area, in appropriate locations and in sufficient numbers, to ensure the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the smoke-free and vape-free areas.
- Ensure that no one smokes or vapes in the smoke-free and vape-free areas.
- Ensure that someone who refuses to comply with Ontario’s smoking and vaping laws does not remain in the smoke-free and vape-free areas.

Enforcement

Local public health units will carry out inspections and respond to complaints of smoking and vaping on the outdoor grounds and public spaces within 20 metres of the perimeter of the grounds of community recreational centres.

Penalties

Any individual who violates the prohibition on smoking or vaping in smoke-free and vape-free areas may be charged and if convicted, may face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An owner that fails to fulfill their responsibilities under the law may be charged and if convicted, may face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence) ; \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

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- **TTY** 1-800-387-5559

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For specific information on smoking or vaping laws applicable to community recreational centres, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.



Smoke-Free Ontario Act, 2017

How the Act Affects: Enclosed Workplaces

The Basics

The *Smoke-Free Ontario Act, 2017* prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical or recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Enclosed Workplaces

Employees are protected, by law, from exposure to second-hand smoke and vapour in an enclosed workplace. This is defined as the inside of any place, building, structure, or vehicle (or any part of them) that is covered by a roof and that employees work or spend time in during their work day, even during off-hours when people are not working. For example, an enclosed workplace includes an office building, the inside of a trailer office on a construction site, or a delivery truck (work vehicle).

Exemption – Use of Tobacco for Traditional Indigenous Cultural or Spiritual Purposes

The prohibition on smoking tobacco or holding lighted tobacco in an enclosed workplace or an enclosed public place does not apply to:

- An Indigenous person who smokes tobacco or holds lighted tobacco for traditional Indigenous cultural or spiritual purposes.
- A non-Indigenous person who smokes tobacco or holds lighted tobacco, if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.

Outdoor Places associated with Enclosed Workplaces

An employer may provide employees who smoke or vape with a shelter outdoors for the purpose of smoking or vaping. The shelter must not have more than two walls and a roof, and must comply with other rules in the *Smoke-Free Ontario Act, 2017*.

For example, cafeterias in a workplace are treated the same as a restaurant in which food or drink are served, sold, or offered. As such, smoking and vaping is not permitted inside the cafeteria or on outdoor patios that are part of or next to the cafeteria.

Responsibilities of Employers

An employer includes an owner, manager or overseer of a workplace or job site who is responsible for, directly or indirectly, an employee.

Every employer of an enclosed workplace must:

- Give notice to the public that smoking and vaping is not allowed in the place.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances, exits and washrooms of the place, in appropriate locations and in sufficient numbers, to ensure that the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the place.
- Ensure that no one smokes or vapes in the place.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the place.

Employees

An employee is:

- A person who performs any work for, or supplies any services to, an employer; or
- A person who received any instruction or training in the activity, business, work, trade, occupation or profession of an employer.

Protection for Employees

An employer cannot:

- Dismiss (or threaten to dismiss) an employee;
- Discipline or suspend an employee (or threaten to do so);
- Impose any penalty upon an employee; or
- Intimidate or coerce an employee, for following or attempting to enforce the SFOA, 2017.

If this were to happen, the employee may file a complaint in accordance with the procedure set out in the Occupational Health and Safety Act.

For more information about filing a complaint, please call the Ministry of Labour:

Toll-free: 1-800-531-5551

Or visit the [Ministry of Labour](#) Website.

Enforcement

Local public health units carry out inspections and respond to complaints about smoking and vaping in enclosed workplaces.

Penalties

An individual who violates the prohibition on smoking or vaping in an enclosed workplace may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An employer that fails to fulfill their responsibility under the law may be charged with an offence, and if convicted, could face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Retaliation against an employee

- For Individuals: \$4,000.
- For Corporations: \$10,000.

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

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Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws in enclosed workplaces, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.



Smoke-Free Ontario Act, 2017

How the Act Affects: Enclosed Public Places

The Basics

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical and recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Enclosed Public Places

Smoking and vaping is not permitted in enclosed public places. An "enclosed public place" means the inside of any place, building, structure or vehicle (or any part of them) that is covered by a roof and where the public is ordinarily invited or has access, regardless of whether a fee is charged for entry.

Exemption – Traditional Use of Tobacco by Indigenous Persons

The prohibition on smoking tobacco and holding lighted tobacco in an enclosed workplace or an enclosed public place does not apply to:

- An Indigenous person who smokes tobacco or holds lighted tobacco for traditional Indigenous cultural or spiritual purposes.
- A non-Indigenous person who smokes tobacco or holds lighted tobacco, if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.

Responsibilities of Proprietors of Enclosed Public Places

The SFOA, 2017 requires proprietors of enclosed public places to ensure that smoking and vaping laws are followed. A proprietor includes the owner, operator or person in charge of an enclosed public place.

Every proprietor of an enclosed public place must:

- Give notice to the public that smoking or vaping is not allowed in the place.
- Post "No Smoking" and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms of the place, in appropriate locations and in sufficient numbers, to ensure that the public is aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the place.
- Ensure that no one smokes or vapes in the place.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the place

Enforcement

Local public health units will carry out inspections and respond to complaints of smoking and vaping in enclosed public places.

Penalties

An individual who violates the prohibition on smoking or vaping in an enclosed public place may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

Signage responsibilities

- For individuals: \$2,000 (for a first offence) ; \$5000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence) ; \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence) ; \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence) ; \$300,000 (two or more offences).

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For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.



Smoke-Free Ontario Act, 2017

How the Act Affects: Sporting Areas

The Basics

The Smoke-Free Ontario Act, 2017 prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Sporting Areas

Smoking and vaping is not permitted at publicly-owned outdoor sporting areas, spectator areas next to sporting areas and public areas within 20 metres of any point of the edge of the sporting or spectator areas.

This applies to sporting areas:

- Owned by the province, a municipality, colleges or universities;
- Used primarily for sports, such as soccer, football, basketball, beach volleyball or skateboarding; and
- Open to the public whether or not a fee is charged to enter.

Note: This does not apply to golf courses.

Owner Responsibilities

The Act requires owners and operators of these sporting areas to ensure that smoking and vaping laws are respected. They are required to:

- Give notice to the public that smoking and vaping is not allowed in smoke-free and vape-free areas.

- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances and exits to the smoke-free areas, in appropriate locations and in sufficient numbers to ensure that the public is aware that smoking and vaping is not allowed.
- Ensure that people do not smoke or vape in the smoke-free and vape-free areas.
- Ensure that no ashtrays or similar equipment remain in the smoke-free and vape-free areas.
- Ensure that someone who refuses to comply with Ontario’s smoking and vaping laws does not remain in the smoke-free and vape-free area.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding smoking on or around sporting areas.

Penalties

Anyone caught smoking or vaping on or around these sport areas may be charged with an offence, and if convicted could face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

The owner or operator of a sporting area who fails to fulfill their responsibilities under the law may be charged with an offence, and if convicted, could face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

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- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws in and around sporting areas, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at: Smoke-Free Ontario Act, 2017 How the Act Affects:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the Smoke-Free Ontario Act, 2017, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree.

