

## Jenna Leifso

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**From:** Alen Hawes <A.Hawes@publichealthgreybruce.on.ca>  
**Sent:** May-08-19 12:58 PM  
**To:** bbloomfield@owensound.ca; bccscobean@brucecounty.on.ca; btocheri@hanover.ca; cgiles@thebluemountains.ca; clerk@arran-elderslie.ca; Jenna Leifso; clerk@town.southbruce.on.ca; droth@brockton.ca; heather.morrison@grey.ca; marylynn.nbp@amtelecom.net; msmith@meaford.ca; mturner@westgrey.com; psinnamon@chatsworth.ca; rmartell@southgate.ca; robertsond@greyhighlands.ca; sbpen@bmts.com; swatson@huronkinloss.com; Whitel@saugeenshores.ca  
**Cc:** Angela Newman  
**Subject:** Tool kits for sport teams and property rental agreements, with wording changes for the Smoke Free Ontario Act, 2017  
**Attachments:** enclosed-workplaces-fact-sheet.pdf; SFOA\_Sporting\_Area.pdf; SFOA\_Enclosed\_Public\_Places.pdf; SFOA\_Community\_Recreational\_Facilities.pdf; SFOA\_Playgrounds.pdf; SFOA\_Restaurant\_Bars.pdf; letter to municipalities Dec 2014.docx; letter to municipalities Dec 2014.docx; Rec toolkit Rental Agreement Language.docx; Rec tool kit Team-Organizers One-Pager.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning

I have attached updated copies of a letter to municipalities, rental agreement toolkit and a one pager for groups/teams who are using municipally owned sporting areas. The intent is to inform our municipal leaders of the changes from the Smoke Free Ontario Act to the Smoke Free Ontario Act, 2017 and how they apply to land use agreements for enclosed public places and outdoor areas, in hopes that you will forward this information on to those groups who use these facilities. I am also attaching several ministry provided fact sheets that may assist in decision making for both the municipality and those groups who use the facilities.

Regards

Alen Hawes  
Tobacco Enforcement and Education Officer  
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519 376 9420 ext: 1478

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Vision: A healthier future for all.

Mission: Working with Grey Bruce communities to protect and promote health.

Core Values: Effective communication, Partnership, Respectful Relationships, Quality and Innovation, Integrity, Leadership

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# MUNICIPALITIES

## ***Smoke-Free Ontario Act, 2017 Amendments***

**October 18th, 2018**

Our government is determined to have the lowest smoking rates in Canada. Despite significant progress in curbing the use of tobacco products, 13,000 people in Ontario die each year as a result of tobacco-related disease. As of October 17, 2018 the Smoke Free Ontario Act has been amended and re-named Smoke Free Ontario Act, 2017 (SFOA, 2017). The SFOA, 2017 regulates the sale, display and promotion of tobacco products, electronic cigarettes and accessories, as well as regulates where tobacco and cannabis are not permitted to be smoked and further, where electronic cigarettes are not permitted to be used.

### **Starting October 18<sup>th</sup>, 2018**

- Smoking of tobacco or cannabis and the use of an electronic cigarette used to vape any substance, is prohibited at all outdoor children’s playgrounds and all public areas within 20 meters of any point on the perimeter of the playground. A playground may include but is not limited to, slides, swings, climbing apparatuses, splash pads, wading pools and sandboxes. The prohibition applies in all seasons.
- A “playground” is defined as an area that is primarily used for the purposes of children’s recreation, fitted with children’s play equipment, open to the public (whether or not a fee is charged for entry), and not part of a residential location (e.g. condominium, apartment building and campground).
- Smoking of tobacco and cannabis, as well as the use of an electronic cigarette to vape any substance, is prohibited at all outdoor municipal sporting areas including spectator areas and within 20 meters of any point on the perimeter. This may include but is not limited to soccer, football, basketball, baseball, softball, cricket, skating, beach volleyball, and running, swimming and skateboarding. Please note that golf is specifically excluded.
- A “sporting area” is defined to include:
  - a) an area that is owned by the Province or municipally, by an agent of the Province or municipality or by a post-secondary institution
  - b) that is primarily used for the purpose of sports as set out in the sporting areas listed above and
  - c) is open to the public (whether or not a fee is charged for entry)
- The new prohibitions on outdoor spaces do not include public trails unless they fall within a 20 meter radius of a children’s playground or prohibited sporting area.
- The new prohibitions do not apply to areas that fall onto privately owned properties
- The regulations are made under the *Smoke-Free Ontario Act, 2017* and apply to the smoking of tobacco, cannabis and the vaping of any substance.

- **Signage**

Signage will be provided by the Grey Bruce Health Unit as long as stocks last. Signs are required to have the international “no smoking” symbol and be 10X10cm as set out in Ontario Regulation 268/18 and placed in a conspicuous manner and not obstructed from view.

- **Sports fields** shall place signs at each of the common entry points to the sports field or at the 4 corners. If a sports field is fenced off so that there are less than four (4) entrances to the area, then a sign should be placed at each entrance.
- **Playgrounds** shall have two (2) signs posted in the direct vicinity of the playground.
- In all cases the signs shall be sufficient to inform patrons that smoking and vaping is prohibited. More signs are available from Public Health as stocks last.
- There will be no compensation for the cost associated with the installation of outdoor signs.
- The Ministry recognizes during the winter months it will be difficult to install signs that require post-holes and asks that signs be posted whenever possible on pre-existing structures (i.e. fences, walls or posts already installed).

## **Definition of Electronic Cigarette**

- a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine

## **Proprietor Obligations**

Under the SFOA, 2017, the owner, operator or person in charge of a place or area where smoking is not permitted, shall place required signs at each entrance and exit of the place or area. It is recommended all signs be posted at a level that is not obstructed and easy to see for people entering a sports field or playground.

## **Communication with the Public**

The Ministry will develop communication materials to educate the public, retailers and businesses on the changes to the regulations. Smoke-Free Ontario, 2017 fact sheets and FAQs will be up-dated and made available on the Ministry's public website at [www.health.gov.on.ca](http://www.health.gov.on.ca)

**For more information contact the Grey Bruce Health Unit, Tobacco Enforcement and Education Officers at 519-376-9420 or 1-800-263-3456 or log on to [www.publichealthgreybruce.on.ca](http://www.publichealthgreybruce.on.ca)**

# **Smoke-Free Ontario Act**

## **Sample Language for Rental Agreements**

### **Sample Rental Agreement Language- Short**

As per the Smoke-Free Ontario Act, 2017, smoking or holding lit tobacco and cannabis, as well as the use of an electronic cigarette, is prohibited outdoors within 20 metres of public sporting areas, adjacent spectator areas (including but not limited to baseball, soccer, football, basketball, beach volleyball, skating, running, swimming) and children's playgrounds. Smoking and vaping is also prohibited 9 metres from the circumference of a patio where food or drink is sold or offered for sale. This includes any picnic tables near food trucks or concession stands.

The applicant is responsible for all signage and understands and will abide by all regulations from the Smoke-Free Ontario Act, 2017 and any County or Municipal no smoking by-laws. The applicant understands and will follow the information provided to them.

For more information, contact Grey Bruce Public Health at 519-376-9420 or 1-800-263-3456 to speak with a Tobacco Enforcement Officer.

### **Sample Rental Agreement Language- Long**

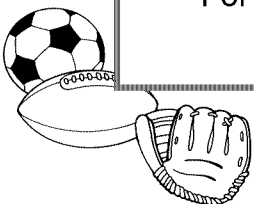
The Smoke-Free Ontario Act, 2017 prohibits smoking tobacco and cannabis and the vaping of any substance in enclosed workplaces, enclosed public places and other designated places in Ontario to protect workers and the public from second-hand smoke and vapour.

The Act prohibits smoking and vaping outdoors in the following locations:

- Within 20 metres of a municipal public sporting and adjacent spectator areas
- Within 20 metres of all children's playgrounds
- 9 metres from all food and/or drink patios or any areas that are operated in conjunction with an area where food or drink is served, sold or offered for consumption. For example, if picnic tables are set-up near food trucks and concession stands, these areas must be smoke-free.

The applicant is responsible for all signage and understands and will abide by all regulations from the Smoke-Free Ontario Act, 2017 and any County Grey or Municipal no smoking by-law. The applicant understands and will follow the information provided to them.

For more information, contact Grey Bruce Public Health at 519-376-9420 or 1-800-263-3456 to speak with a Tobacco Enforcement Officer.



# Smoke-Free Ontario Act, 2017

## Information for League Conveners and Team Captains

**As per the Smoke-Free Ontario Act, 2017 (SFOA, 2017), it is illegal to smoke or hold lit tobacco, cannabis or use an electronic cigarette within 20 metres of a sporting area and its adjacent spectator area.**

What is considered a sporting area?

- An area owned by the province or municipality
- A place where the public is permitted access to the area, whether or not a fee is charged for entry
- An area used primarily for the purposes of sports such as:
  - Soccer
  - Football
  - Basketball
  - Tennis
  - Baseball
  - Softball
  - Skating
  - Beach volleyball
  - Running
  - Swimming
  - Skateboarding
  - Cricket



### Enforcement and Fines

It is the responsibility of the owner, operator or person in charge of the team or event to ensure compliance with the SFOA, 2017. As a event organizer, league convener or team captain you have a responsibility to ensure that all teams and players are made aware that smoking or vaping within 20 metres of a sporting or spectator area is illegal. You must also ensure that people do not smoke or use an electronic cigarette in the prohibited areas.

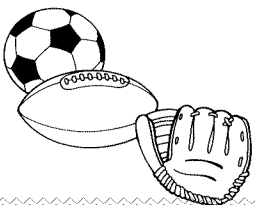
If your sports or recreation organization has rented the venue from your local municipality, note that the lease agreement provides language that will make the lease liable for any misconduct, including fines under the SFOA, 2017.

Failure to comply with the SFOA, 2017 can result in a minimum fine of \$305. Tobacco Enforcement Officers conduct inspections of public sporting areas to ensure compliance and issue fines when necessary.

Attached is a SFOA fact sheet regarding smoke-free sporting areas. Your area municipality may have provided this to you to ensure you are aware of the legal obligation to comply with the Act.

**For more information, please contact Grey Bruce Public Health 519-376-9420 or**

**1-800-263-3456 to speak with a Tobacco Enforcement Officer.**





# Smoke-Free Ontario Act, 2017

## How the Act Affects: Children's Playgrounds

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### 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](http://ontario.ca/smokefree).



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Restaurants and Bars including Patios

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### 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.

### Bar and Restaurants

It is illegal to smoke or vape inside a bar or restaurant, as they are considered to be enclosed workplaces and enclosed public places.

### Outdoor Bar and Restaurant Patios

It is illegal to smoke or vape on all restaurant and bar patios, and public areas within a nine metre radius of any point on the perimeter of the patio, subject to the exemption described below.

A restaurant or bar patio is defined as an area:

- The public can access or that employees frequent;
- Where food or drink is served or sold or offered for consumption, or that is operated alongside an area where food or drink is served or sold or offered; and
- That is not a private dwelling.

### Exemption

Uncovered patios created by a branch of the Royal Canadian Legion or another veterans' organization before November 18, 2013, are exempt from this law provided that they do not permit the smoking of cannabis, or the vaping of cannabis or a controlled substance.

“Uncovered” means that the patio is not covered in whole or in part by any physical barriers, whether temporary or permanent, that protects from rain, the movement of air, or both.

“Veterans’ organization” means an organization that is registered as a charity under the Income Tax Act (Canada), whose primary purpose is to provide programs or services to veterans of armed forces or to such veterans and their families, and that may include members who are veterans of armed forces.

However, the smoking and vaping law for tobacco, cannabis, and e-cigarettes applies to all patios created by a legion or veterans’ organization after November 18, 2013, and any covered or partially covered legion and veteran patio created prior to that date.

## **Owner Responsibilities**

Restaurant and bar owners or employers are required to ensure that the smoking and vaping laws are respected.

Every owner and employer of a restaurant or bar must:

- Give notice to staff and patrons that smoking or vaping is not allowed 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-free and vape-free areas, in appropriate locations and in sufficient numbers, to ensure that staff and customers are 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 workers and customers do not smoke or vape in 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 or vaping inside restaurants and bars, on their patios, and public areas within a nine metre radius of any point on the perimeter of the patio.

## Penalties

An individual who violates the prohibition on smoking or vaping inside a restaurant or bar, on a restaurant and bar patio, or in a public area within nine metres of the patio 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).

An employer or owner of a restaurant or bar who 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); \$5,000 (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 bar and restaurant patios, 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](http://ontario.ca/smokefree).



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Enclosed Public Places

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### 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).

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 or vaping laws in enclosed public places, 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](http://ontario.ca/smokefree).



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Community Recreational Facilities

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### 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); \$5,000 (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 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](http://ontario.ca/smokefree).



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Enclosed Workplaces

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### 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); \$5,000 (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).

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 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](http://ontario.ca/smokefree).



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Sporting Areas

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### 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); \$5,000 (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.



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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](http://ontario.ca/smokefree).