



Smoke-Free Ontario Act

How the Act Affects: Government Buildings and Properties

The Basics

The *Smoke-Free Ontario Act* (SFOA) prohibits smoking tobacco in all enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from the hazards of second-hand smoke.

Government Buildings

Under the SFOA, government buildings owned by the Province, like other buildings, are considered to be enclosed workplaces and enclosed public places, and smoking is not allowed in these buildings.

As of January 1, 2016 smoking on the outdoor grounds of certain government buildings is no longer allowed. There is a list set out in Schedule 3, Regulation 48/06 of the Act that sets out which buildings and properties that are now smoke-free. For more information on which buildings are affected, please see the regulations at:

<https://www.ontario.ca/laws/regulation/060048>

A government building may accommodate employees and visitors who smoke by having a designated smoking area on the grounds as long as the area:

- Is not within nine (9) metres of any entrance or exit;
- Is identified as a smoking area with one or more signs posted on or around the designated area;
- Follows the rules laid out in the *Smoke-Free Ontario Act*; and
- Has not been set aside for the use of electronic cigarettes, as per requirement, when the prohibition set out in the *Electronic Cigarettes Act, 2015* is proclaimed.

Please note that designated smoking areas can only be established on the outdoor grounds of government buildings for a limited time. All the grounds surrounding the government buildings listed in Schedule 3 must be completely smoke-free by January 1, 2018.

Selling tobacco is also prohibited in government buildings.

Responsibilities of Employers and Proprietors of Government Buildings

The SFOA requires that proprietors and employers in government buildings make sure that the smoking laws are complied with. A proprietor includes the owner, operator or person in charge.

Every proprietor and employer in a government building must:

- Give notice to staff and visitors that smoking is not allowed in the smoke-free areas.
 - Post 'no smoking' signs:
 - at entrances and exits to the smoke-free areas,
 - in washrooms,
 - in appropriate other locations,
 - in sufficient numbers to ensure that staff and visitors are aware that smoking is not allowed.
- Ensure that no ashtrays or similar items are in smoke-free areas.
- Ensure that employees and visitors do not smoke in the smoke-free areas.
- Ensure that someone who refuses to comply with Ontario's smoking laws does not remain in the smoke-free areas.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding the sale of tobacco and smoking in government buildings. Inspectors will also respond to complaints regarding smoking on the grounds of the government buildings where smoking is not allowed.

Penalties

Failing to comply with the rules on smoking tobacco

Anyone found to be smoking in the smoke-free area of a government building (inside or outside) may be charged, 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 proprietor of a government building that does not meet their responsibility under the law may be charged with an offence, and if convicted, could face a maximum fine:

- For individuals: \$1,000 (for a first offence) or \$5,000 (for any further offence),
- For corporations: \$100,000 (for a first offence) or \$300,000 (for any further offence).

Failing to comply with the rules on selling tobacco

Anyone found guilty of selling tobacco in a government building could face a maximum fine ranging from \$2,000 to \$50,000, depending on the person's number of previous convictions.

Any corporation convicted of selling tobacco in a government building could face a maximum fine ranging from \$5,000 to \$75,000, depending on the corporation's number of previous convictions.

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.

For specific information on smoking laws in government buildings contact your local [Public Health Unit](#).

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



For more information on the Smoke-Free Ontario Act and Ontario Regulation 48/06 associated with the Smoke-Free Ontario Act contact SFOA@healthunit.org or visit www.healthunit.org

