

Ministry of Health



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

# How the Act Affects: Government Buildings and Properties

### **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.

### **Government Buildings**

Under the *Smoke-Free Ontario Act, 2017* (SFOA, 2017), government buildings owned by the Province, like other buildings, are considered to be enclosed workplaces and enclosed public places, and smoking or vaping is not allowed in these buildings.

Smoking and vaping on the outdoor grounds of certain government office buildings is also not allowed. There is a list in Schedule 3 of the regulation under the SFOA, 2017 that lists which properties must be smoke-free and vape-free. For more information on which properties are affected, please see the regulation at:

<https://www.ontario.ca/laws/regulation/180268>

The sale of tobacco and vapour products is also prohibited in the government properties listed in Schedule 3 of the regulation.

## **Responsibilities of Employers and Proprietors of Government Buildings**

The SFOA, 2017 requires that proprietors and employers in government buildings make sure that the smoking and vaping 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 and 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 visitors are aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items are in smoke- and vape-free areas.
- Ensure that employees and visitors do not smoke or vape in the smoke- 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 regarding the sale of tobacco and vapour products, as well as smoking or vaping in government buildings. Inspectors will also respond to complaints regarding smoking or vaping on the outdoor grounds of the government buildings where smoking and vaping is not allowed.

## Penalties

### **Failing to comply with the rules on smoking and vaping**

Anyone found to be smoking or vaping in the smoke-free and vape-free area of a government property (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 property that does not meet 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).

### **Failing to comply with the rules on selling tobacco or vapour products**

Anyone found guilty of selling tobacco or vapour products in a listed 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 or vapour products in a listed 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. (Eastern Standard Time)

For specific information on smoking and vaping laws or sales restrictions in government buildings 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 website: [ontario.ca/smokefree](http://ontario.ca/smokefree).