

## Ministry of Health



## Smoke-Free Ontario Act, 2017

# How the Act Affects: Residential Hospices

### 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.

### Smoking and Vaping

Except as noted below, smoking and vaping is not permitted in a hospice. They are considered to be enclosed workplaces. Please see the Fact Sheet for Enclosed Workplaces for more information.

### Controlled Areas

Operators of residential hospices that provide nursing care and are funded through the Ministry of Health and Long-Term Care may open and operate an indoor controlled area for residents to smoke cannabis (medical and recreational) and/or use an e-cigarette (including for vaping cannabis). **Tobacco cannot be smoked in these rooms.**

There are specific structural, ventilation and maintenance requirements for controlled areas that can be found in the *Smoke-Free Ontario Act, 2017* (SFOA, 2017) and its regulation.

A controlled area must be approved by and registered with the Ministry of Health and Long-Term Care. If you are interested in constructing a controlled area in your facility, please submit a letter of intent to [SFOApplications@ontario.ca](mailto:SFOApplications@ontario.ca).

## Proprietor and Employer Obligations for Controlled Areas

A residential hospice with a controlled area must ensure that:

- It is registered with the Ministry of Health and Long-Term Care.
- It complies with the SFOA, 2017 and its regulation.
- Only residents can smoke cannabis or vape in the controlled area. (Guests may accompany residents, but they are not allowed to smoke cannabis or vape in the room.).
- Residents of the facility who want to smoke cannabis or vape in the controlled area must, in the opinion of the proprietor or employer, be able to smoke cannabis or vape independently and without employee assistance.
- Employees are not required to enter the controlled area.
- Required signs are posted outside the controlled area:
  - A copy of the sign entitled "Controlled Areas in Certain Residential Facilities" accessible through a website of the Government of Ontario
  - A sign indicating the maximum number of people allowed in the controlled area.

## Enforcement

Local public health units will carry out inspections of controlled areas and respond to complaints regarding smoking and vaping in residential hospices.

## Penalties

An individual who violates the prohibition on smoking or vaping in the smoke-free and vape-free areas of a residential hospice 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 subsequent offence).

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

- 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 in residential hospices, 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).