

Ministry of Health



## **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); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (three 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 (three 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/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).