

Ministry of Health



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

# How the Act Affects: Schools

### **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 spaces, 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.

### **Public School and Private School Property**

Smoking and vaping is not allowed in public and private schools, including the grounds associated with the school, and public areas within 20 metres of any point on the perimeter of the grounds of the school. Where a private school is not the only occupant of the premises, then the grounds designated for the school (e.g., a playground) and public areas within 20 metres of any point on the perimeter of those grounds are subject to the ban on smoking and vaping.

It is also illegal to sell or offer to sell tobacco and vapour products in public schools and private schools.

## Responsibilities of Employers and Proprietors

The SFOA, 2017 requires that proprietors and employers of public and private schools make sure that smoking and vaping laws on school property are followed.

A proprietor includes the owner, operator or person in charge.

Every proprietor and employer of a school must:

- Give notice to staff, students and visitors that smoking and vaping is prohibited on school grounds.
- Post "No Smoking" and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms on school property in appropriate locations and in sufficient numbers, to ensure that staff, students and visitors are aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain on school grounds.
- Ensure that staff, students and visitors do not smoke or vape on school grounds.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain on school grounds.

## Enforcement

Local public health units will carry out inspections and respond to complaints regarding smoking and vaping on school property and within the 20 metre perimeter of public areas outside of school property.

## Penalties

Failing to comply with prohibition on smoking and vaping

An individual who violates the prohibition on smoking and vaping in schools or on and around school grounds may be charged and if convicted, face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An employer or proprietor of a school 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).

#### 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 prohibition on selling tobacco or vapour products

- 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).

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 schools, 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).