



Smoke-Free Ontario Act 2005

How the Act Affects: Bars and Restaurants

The Basics

- The Smoke-Free Ontario Act comes into force on May 31, 2006.
- The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.

Bars and Restaurants

Smoking is prohibited in any enclosed place, including restaurants and bars, in which food or drink are served, sold or offered for consumption. Designated Smoking Rooms (DSRs), which were permissible in some instances under local municipal bylaws, are now prohibited.

Outdoor Bar and Restaurant Patios

Smoking is prohibited if a patio has a roof, even where the roof partially covers the patio. A roof includes an awning, tarp, canvas sheeting or other permanent or temporary covering that is capable of excluding rain or impeding airflow, or both. A stand-alone umbrella covering a single table would not be considered a roof. However, if umbrellas are used in such a way so as to serve as a roof, an inspector may view it as such and act accordingly.

Cafeterias in a workplace are treated the same as a restaurant in which food or drink are served, sold or offered for consumption. As such, they must comply with the smoking prohibitions related to patios that are part of/ or adjacent to the cafeteria or eating area and the requirements listed below.

Duties of Owners and Employers

Proprietors or persons in charge must:

- Ensure that patrons are aware that smoking is prohibited.
- Remove ashtrays and any object that serves as one.
- Ensure that members of the public and employees do not smoke in their establishments.
- Ensure a person who does not comply, does not remain in the establishment.
- Post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations in order to ensure that everyone knows that smoking is prohibited. For information on acquiring the required signage, please contact your local public health unit.

Duties of the Public

No person may smoke in a bar or restaurant.

Enforcement

Local public health units will carry out inspections and investigate complaints relating to bars and restaurants in order to enforce the act. Public Health Unit inspectors are permitted to enter premises to ensure compliance with the act or to enforce the act.

Penalties

There is no maximum corporate fine listed for contravention of this section of the act, meaning the fine amount would be left up to a justice of the peace. An individual could be subject to a maximum fine of \$5,000.

This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit at:

<http://www.smokefreeeast.ca>

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30am - 5:00pm

For more information on the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion website:

http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp.