



## Smoke-Free Ontario Act 2005

### How the Act Affects: Enclosed Public Places

#### 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.

#### Enclosed Public Places

An enclosed public place means the inside of a building or structure to which the public has access, including retail shops, indoor shopping malls, restaurants, bars, places of entertainment, casinos, bingo and billiard halls, taxicabs and limousines. Designated Smoking Rooms (DSRs), which were permissible in some instances under local municipal bylaws, are now prohibited.

#### Other Places: Outdoor Patios and Smoking Shelters

If the enclosed place has an outdoor patio, smoking is prohibited if the 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.

A proprietor may choose to accommodate clientele who smoke by providing a smoking shelter outdoors. A proprietor who provides an outdoor smoking shelter must ensure that the structure consists of no more than two walls and a roof.

#### Duties of Owners and Employers

Proprietors or persons in charge must:

- Ensure that the public is aware that smoking is prohibited.
- Remove ashtrays and any object that serves as one.
- Ensure that members of the public do not smoke in their establishments.
- Ensure a person who does not comply does not remain in the enclosed public place.
- 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 required signage, please contact your local public health unit.

#### Duties of the Public

No person may smoke in an enclosed public place.

#### Enforcement

Local public health units will carry out inspections and investigate complaints of non-compliance in enclosed public places in order to ensure compliance with 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/contact.php>

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