



Smoke-Free Ontario Act 2005

How the Act Affects: Places of Entertainment

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.

Places of Entertainment

Smoking is prohibited in places of entertainment. A place of entertainment means any place accessible to the public primarily for the purpose of eating, drinking or any form of amusement, whether or not a fee is charged for entry. Some examples are: nightclubs, bars, restaurants, bowling alleys, theatres, casinos, racetracks, concert halls, and adult entertainment establishments. Designated Smoking Rooms (DSRs), which were permissible in some instances under local municipal bylaws are now prohibited.

Outdoor Bar and Restaurant Patios

If the place of entertainment has an outdoor patio with a roof, smoking is prohibited, 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.

Smoking Shelters

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. A patron is not permitted to consume food or drink provided by the establishment in the smoking shelter.

The Promotion and Sale of Tobacco is Prohibited

The promotion of tobacco and the promotion of the sale of tobacco are prohibited at any place of entertainment. For example, a proprietor would not be permitted to employ an individual to circulate within the place of entertainment to promote cigarettes or tobacco products in general or a specific brand.

For places of entertainment that are also retail vendors of tobacco, please see the fact sheet “**How the Act Affects Retailers**” that outlines restrictions on the display and promotion of cigarettes and other tobacco products and the responsibilities of the retailer.

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 required signage, please contact your local public health unit.

Enforcement

Local public health units will carry out inspections and investigate complaints regarding places of entertainment and the promotion of tobacco or the promotion of the sale of tobacco in such places in order to enforce the act.

Penalties

For contravening the prohibition against smoking, there is no maximum corporate fine listed in 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.

For contravening the prohibition against the promotion or sale of tobacco, any corporation convicted of an offence under this section of the act could be subject to a maximum fine of \$10,000 for a first offence and \$150,000 for a third offence or more. Any individual convicted of an offence under this section of the act could be subject to a maximum fine of \$4,000 for a first offence and \$100,000 for a third offence or more.

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