

Prince Edward Island

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-free Places Act (New!)</i>
Date in force	<ul style="list-style-type: none"> • September 15, 2009
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in designated outdoor smoking areas at least 4.5 m away from any entrance or air intake, and at least 2.4 m away from any patio area or 4.5 m from any patio area that includes an air-intake (existing patios exempt) • Smoking permitted in indoor DSRs by residents of long-term care facilities (DSRs need to be separately enclosed and ventilated in accordance with the regulations) • Smoking permitted in indoor DSRs in shelters for victims of domestic violence • Legislation silent on smoking in hotel rooms and other temporary guest accommodations—government states that the law was not intended to include these workplaces
Restaurants	<ul style="list-style-type: none"> • Smoking prohibited—no DSRs permitted
Casinos, bingos, etc.	<ul style="list-style-type: none"> • Smoking prohibited—no DSRs permitted
Bars	<ul style="list-style-type: none"> • Smoking prohibited—no DSRs permitted
Public places	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed public places
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on outdoor patios except between the hours of 10 pm and 3 am • Outdoor DSAs that are not patios must be 4.5m from any entrance to indoor non-smoking areas and 4.5m from any outdoor air intake for the indoor non-smoking areas. • Smoking prohibited on hospital property with the exception of Hillsborough Hospital, where an outdoor DSA is permitted for patients only • Smoking prohibited on school property • Smoking prohibited on construction sites • Smoking prohibited on the portion of an outdoor public place used as a daycare centre, nursery school or kindergarten
Private Vehicles	<ul style="list-style-type: none"> • Smoking prohibited in a motor vehicle with children under the age of 19 present
Provision for municipalities	<ul style="list-style-type: none"> • Section 3 of the <i>Smoke-free Places Act</i> stipulates that where a provision of an act, regulation or bylaw conflicts with this Act, the more stringent restriction will prevail.

Summary	<ul style="list-style-type: none">• New legislation is vastly improved and eliminates indoor DSRs in hospitality venues.• Legislation sets a Canadian precedent by prohibiting smoking on hospital property and at outdoor construction sites.• Legislation for outdoor protection could be strengthened by uniformly prohibiting smoking on patios as well as increasing the prescribed 4.5 m buffer zone and applying it to doorways, operable windows and air intakes of all workplaces and public places.
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Notes

Congratulations to PEI on the recent amendment of the *Smoke-Free Places Act*. This legislation brings Prince Edward Island up to par with other jurisdictions in Canada with respect to protection from second-hand smoke in workplaces and public places. In addition, this *Act* sets two Canadian precedents by prohibiting smoking on hospital property (the island's psychiatric hospital is exempt) and on outdoor construction sites.

Smoking is now also prohibited in private vehicles with children under the age of 19 present. PEI is the 7th province/territory in Canada to pass smoke-free car legislation, and joins Nova Scotia, Yukon Territory, Ontario, British Columbia, New Brunswick, Manitoba. Saskatchewan Bill 133, *An Act to Amend the Tobacco Control Act*, will prohibit smoking in private vehicles with children under the age of 16 present (first reading December 2, 2009).

PEI's new partial prohibition on patios represents a step forward but falls short of current SHS standards. A partial prohibition based on the time of day is open to abuse, potentially confusing for people, and does not adequately protect wait staff from SHS—unless there is no table service after 10 pm.