

Quebec

Name of legislation	<ul style="list-style-type: none"> • <i>The Tobacco Act</i>
Date in force	<ul style="list-style-type: none"> • May 31, 2006
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • DSRs for employees permitted only until May 30, 2008 • Smoking permitted in not more than 40% of rooms available in hotels, and rooms where smoking is permitted must be grouped together • Smoking permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities)
Restaurants	<ul style="list-style-type: none"> • Smoking prohibited
Casinos, bingos, etc.	<ul style="list-style-type: none"> • Smoking prohibited
Bars	<ul style="list-style-type: none"> • Smoking prohibited
Public places	<ul style="list-style-type: none"> • Smoking prohibited • Smoking permitted in cigar rooms specially set up for cigar or pipe smoking provided they are separately enclosed and ventilated, serve no food and were in operation on 10 May 2005.
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 9 metres of doorways of health and social service institutions, colleges and universities, non-residential childcare centres, and facilities where activities for minors are held • Smoking prohibited on school property • Smoking prohibited on bar and restaurant patios if they have more than 2 sides and a roof
Provision for municipalities	<ul style="list-style-type: none"> • Not within <i>The Tobacco Act</i> • <i>Municipal Powers Act</i> permits municipalities to enact more stringent bylaws regarding nuisances
Summary	<ul style="list-style-type: none"> • Indoor protection from SHS offered by this Act is strong and will be up to current standards come May 2008 when employee DSRs are banned • Although the outdoor protection offered by this Act is good in that it includes a 9 metre buffer zone around certain workplaces and public places, and includes some patios, the legislation is not up to current outdoor standards—it could be improved by including all patios, buffer zones around all workplaces and public places, as well as including buffer zones around operable windows and air intakes

Notes

Good news for Quebec: the legal challenge to the province's *Tobacco Act* has been dropped. Disgruntled pub and bar owners, led by Peter Sergakis and represented by Julius Grey, had been waiting for a May 2009 court date to challenge the legitimacy of the provincial ban. The plaintiffs claimed it infringed on their freedom of expression, freedom of association, liberty, protection from discrimination based on social status, and their presumption of innocence contrary to the *Canadian Charter* (and *Quebec Charter* where applicable).

In other news, the Quebec government is considering a ban on smoking in private vehicles with children present. According to an aide to Quebec's Health Minister Yves Bolduc, the ban could be introduced when the province updates *The Tobacco Act* in 2010.