

Alberta

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-Free Places (Tobacco Reduction) Amendment Act, 2007</i>
Date in force	<ul style="list-style-type: none"> • January 1, 2008
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in designated smoking rooms (DSRs) by in-patients or residents of group living facilities (includes long-term care facilities) • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on patios • Smoking prohibited within 5 metres of any doorway, operable window or air intake of a public place or workplace
Provision for Municipalities	<ul style="list-style-type: none"> • The <i>Tobacco Reduction Act</i> sets a new minimum standard in Alberta • Sections 10 (1) and (2) authorize municipalities to pass stronger bylaws which would take precedence over the provincial legislation
Summary	<ul style="list-style-type: none"> • This legislation is strong in both scope and strength and makes Alberta a leader in Canada with respect to protection from SHS, both indoors and out.

Notes

It should be noted that the province of Alberta has a policy in place to protect foster children from exposure to second-hand smoke while in foster care. Section 10.23 of Alberta's Children's Services Enhancement Act Policy Manual states that smoking will not be permitted in the residence where a child is placed, nor is smoking permitted in vehicles when foster children are being transported. This policy does not prevent smokers from becoming foster parents, but simply requires them to provide a non-smoking environment.

British Columbia

Workplaces and Public Places

Name of legislation	<ul style="list-style-type: none"> • <i>Tobacco Control Act</i>
Date in force	<ul style="list-style-type: none"> • March 31, 2008
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in DSRs by in-patients or residents of community care facilities, assisted living residences, extended care hospitals or private hospitals • Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 3 metres of any doorway, open window or air intake of a public place or workplace • Smoking permitted on outdoor patios provided they are not fully or substantially enclosed (meaning having a roof or other covering and more than 50% of the nominal wall space is enclosed such that air flow is impeded). The 3 metre buffer zone does not apply on patios provided doorways are kept closed (except to enter or exit) and windows or air intakes are closed at all times when the patio is in use • Business owners are not required to enforce the 3 metre buffer zone if it extends onto public property such as a sidewalk, unless the person smoking is an employee or otherwise under the control of the employer • Smoking prohibited on school property
Provision for municipalities	<ul style="list-style-type: none"> • Not within the <i>Tobacco Control Act</i> • Section 523 (Health Protection Authority) of the <i>Local Government Act</i> permits bylaws to be passed that, if stronger, take precedence
Summary	<ul style="list-style-type: none"> • This legislation is a big improvement over the previous WCB regulations that permitted DSRs in workplaces and public places • Indoor protection offered by the <i>Tobacco Control Act</i> allows British Columbia to catch up with most of the

	<p>rest of Canada</p> <ul style="list-style-type: none">• Inclusion of a 3 metre buffer zone around doorways, windows and air intakes of most workplaces and public places reflects a new generation of protection from SHS and thus exceeds outdoor protection offered in most other jurisdictions• However, the new legislation does not make BC a leader as smoking continues to be permitted on outdoor patios• Legislation is strong for indoor places but middle of the road for outdoor places
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Private Vehicles with Children Present

Name of legislation	<ul style="list-style-type: none">• <i>Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008</i>
Date in force	<ul style="list-style-type: none">• April 7, 2009
Private Vehicles	<ul style="list-style-type: none">• Smoking prohibited in private vehicles with children under the age of 16 present

Notes

The government of British Columbia also provides protection for children in foster care through the Smoke-Free Environment Policy. As of May 1 2008, new foster parents are expected to provide a smoke-free environment in their homes and cars. This policy does not ban smokers from becoming foster parents, nor does it require foster parents to quit smoking.

Manitoba

Name of legislation	<ul style="list-style-type: none"> • <i>The Non-Smokers' Health Protection Act (Various Acts Amended)</i>
Date in force	<ul style="list-style-type: none"> • October 1st, 2004
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in designated smoking rooms (DSRs) by in-patients or residents of group living facilities (includes long-term care facilities) • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms equipped with a separate ventilation system; separate ventilation system only applies to rooms constructed or substantially renovated after this section of the Act came into force • Smoking permitted in fully enclosed tobacconist shops to test or sample a product
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on bar and restaurant patios if more than 25% of the floor area is covered by a roof and more than 50% of its perimeter is more than 50% enclosed
Provision for municipalities	<ul style="list-style-type: none"> • Sections 9 and 10 of <i>The Non-Smokers Health Protection Act (Various Acts Amended)</i> allow municipalities to pass bylaws prohibiting or limiting smoking, and the more restrictive prevails
Summary	<ul style="list-style-type: none"> • In 2004 when this legislation was passed, it was among the best in Canada and remains strong legislation for indoor protection from SHS • However, public policy has evolved and the fact that this Act does not include smoke-free patios or buffer zones around doorways, windows and air intakes makes it not up to current outdoor protection standards

Private Vehicles with Children Present

Name of legislation	<ul style="list-style-type: none">• <i>The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)</i> (New!)
Date in force	<ul style="list-style-type: none">• This act comes into force on a day to be fixed by proclamation—most likely within the first half of 2010.
Private Vehicles	<ul style="list-style-type: none">• Smoking prohibited in private vehicles with children under the age of 16.

Notes

Government Bill 5, *The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)* was passed on June 11, 2009 but is not yet in force. For more information about smoke-free vehicles, check out our [fact sheet](#).

New Brunswick

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-free Places Act</i>
Date in force	<ul style="list-style-type: none"> • October 1, 2004
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in DSRs by in-patients or residents of residential care facilities • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms equipped with separate ventilation systems (only applies to rooms constructed or substantially renovated after this section of the Act came into force)
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on bar and restaurant patios if more than 70% enclosed by walls and/or a roof • Smoking prohibited on school grounds
Private Motor Vehicles	<ul style="list-style-type: none"> • <i>An Act to Amend the Smoke-free Places Act</i> • In force January 1, 2010 • Smoking prohibited in private motor vehicles with children under the age of 16 years
Provision for municipalities	<ul style="list-style-type: none"> • No
Summary	<ul style="list-style-type: none"> • Legislation strong regarding indoor protection from SHS • However, since this legislation came into force public policy has evolved and the protection offered in outdoor public places is not up to current standards • It could be strengthened by uniformly banning smoking on all outdoor patios and by including a buffer zone around doorways, air intakes and windows that open.

Newfoundland and Labrador

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-free Environment Act, 2005</i>
Date in force	<ul style="list-style-type: none"> • June 1, 2005
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in workplaces that are also open to the public, but smoking permitted by employees in DSRs in workplaces not ordinarily open to the public • Smoking permitted in DSRs by residents and in-patients of long-term care, psychiatric and other residential care facilities • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms
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 in all indoor public places
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on all bar and restaurant patios
Provision for Municipalities	<ul style="list-style-type: none"> • Section 13(1) of the <i>Smoke-free Environment Act</i> allows municipalities to pass bylaws and the more restrictive provisions apply
Summary	<ul style="list-style-type: none"> • Legislation strong for protection in indoor public places, but weak regarding indoor workplace protection—DSRs continue to be permitted • Legislation strong regarding outdoor protection—first jurisdiction in Canada to ban smoking on all outdoor patios. Legislation could be strengthened by including buffer zones around doorways, air intakes and windows that open.

Northwest Territories

Name of legislation	<ul style="list-style-type: none"> • <i>Tobacco Control Act</i> (see table below for <i>Environmental Tobacco Smoke Work Site Regulations</i>)
Date in force	<ul style="list-style-type: none"> • September 30, 2006
Workplaces	<ul style="list-style-type: none"> • This <i>Act</i> pertains to public places • Smoking permitted in parts of workplaces to which the public is not admitted that meet the prescribed requirements • Smoking permitted in home daycare facilities during periods when daycare is not being provided • Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests • Smoking permitted in a designated smoking room in nursing homes, group homes or other residential facilities (as per regulations)
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 in virtually all enclosed public places
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace or public place; smoking permitted in designated smoking structures within 3 m provided the smoke does not come into contact with people entering or leaving the workplace. • Smoking prohibited in outdoor bus shelters
Provision for municipalities	<ul style="list-style-type: none"> • Section 10 of <i>The Tobacco Control Act</i> states that if another act, regulation or bylaw conflicts with sections 8 or 9 of this Act, the provision that is the more restrictive of smoking prevails
Summary	<ul style="list-style-type: none"> • On its own, this legislation is strong for public place protection but weak for workplaces to which the public is not generally admitted • Legislation is “middle of the road” for outdoor protection—includes entrances and exits, but allows for designated smoking structures within the 3 metre buffer zone. Protection could be strengthened with the inclusion of patios, school grounds and buffer zones around air intakes and windows that open. • However, together with the worksite regulations listed below, indoor protection in workplaces

	and public places is strong
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Name of legislation	<ul style="list-style-type: none"> • <i>Environmental Tobacco Smoke Work Site Regulations (Section 25 of the Safety Act)</i>
Date in force	<ul style="list-style-type: none"> • May 31, 2004
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces
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 in all enclosed public places that are also workplaces
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace (if the area is owned or controlled by the employer), except in an enclosed shelter designated for smoking provided the smoke does not come into contact with people entering or leaving the workplace
Provision for municipalities	<ul style="list-style-type: none"> • Not applicable
Summary	<ul style="list-style-type: none"> • Legislation strong for protection in indoor workplaces • Legislation weak for outdoor protection—could be strengthened by including patios as well as buffer zones around air intakes and windows that open

Nova Scotia

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-free Places Act (amended)</i>
Date in force	<ul style="list-style-type: none"> • December 1, 2006
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities) • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on all outdoor patios regardless of whether they have a roof • Smoking prohibited within 4 metres of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces • Smoking prohibited on school grounds
Private motor vehicles	<ul style="list-style-type: none"> • Smoking prohibited in a motor vehicle with children under the age of 19 present • In force April 1st, 2008
Provision for municipalities	<ul style="list-style-type: none"> • Section 16(2) of the <i>Smoke-free Places Act (amended)</i> stipulates that the more restrictive provision prevails
Summary	<ul style="list-style-type: none"> • Legislation provides excellent protection from SHS indoors and out • Nova Scotia was the first province to ban smoking in private vehicles with children present • This legislation is among the best in Canada

Nunavut

Name of legislation	<ul style="list-style-type: none"> • <i>Tobacco Control Act</i> (see table below for <i>Environmental Tobacco Smoke Work Site Regulations</i>)
Date in force	<ul style="list-style-type: none"> • May 31, 2004
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in many workplaces • Smoking permitted in designated smoking hotel rooms by registered guests and their invited guests • Smoking permitted in designated smoking areas in elder homes or other premises that are prescribed
Restaurants	<ul style="list-style-type: none"> • Exempt
Casinos, bingos, etc.	<ul style="list-style-type: none"> • Unclear—not explicitly mentioned
Bars	<ul style="list-style-type: none"> • Exempt
Public places	<ul style="list-style-type: none"> • Smoking prohibited in all enclosed public places that are also workplaces
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace or public place, except in an enclosed shelter designated for smoking provided the smoke does not come into contact with people entering or leaving the workplace • Smoking prohibited within 15 metres of any entrance or exit of a school
Provision for municipalities	<ul style="list-style-type: none"> • Section 15 of <i>The Tobacco Control Act</i> states that if another act, regulation or bylaw conflicts with this Act, the provision that is the most restrictive prevails
Summary	<ul style="list-style-type: none"> • On its own, this legislation is weak for protection in indoor workplaces and public places as it exempts bars and restaurants • Legislation is “middle of the road” for outdoor protection—includes entrances and exits yet allows for designated smoking areas within the 3 m buffer zone; could be strengthened by the inclusion of patios, school grounds, and buffer zones around air intakes and windows that open. • However, together with the worksite regulations listed below, indoor protection in workplaces and public places is strong

Name of legislation	<ul style="list-style-type: none"> • <i>Environmental Tobacco Smoke Work Site Regulations (Section 25 of the Safety Act)</i>
Date in force	<ul style="list-style-type: none"> • May 31, 2004
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • DSRs permitted where workers or others live within a work site • DSAs permitted in underground mines where workers cannot get to surface during entire shift
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 in all enclosed public places that are also workplaces
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited within 3 metres of any entrance or exit of an enclosed workplace (if the area is owned or controlled by the employer), except in an enclosed shelter designated for smoking provided the smoke does not come into contact with people entering or leaving the workplace
Provision for municipalities	<ul style="list-style-type: none"> • Not applicable
Summary	<ul style="list-style-type: none"> • Legislation strong for protection in indoor workplaces • Legislation weak for outdoor protection—could be strengthened by removing designated smoking areas within the 3 m buffer zones of entrances and exits, prohibiting smoking on patios and creating smoke-free buffer zones around air intakes and windows that open.

Ontario

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-Free Ontario Act (Amended)</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 • Smoking prohibited in private homes that operate a daycare, whether or not children are present • Smoking permitted in DSRs by in-patients or residents of group living facilities (includes long-term care and other residential care facilities) • Smoking permitted by registered guests and their invited guests in designated smoking hotel rooms
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
Outdoor provisions	<ul style="list-style-type: none"> • Smoking prohibited on bar and restaurant patios if patio has partial or complete roof, regardless of whether the roof is permanent or made of temporary coverings (includes awnings but not single umbrellas, although two or more umbrellas pushed together could constitute a roof—subject to an inspector's assessment) (see notes section) • Smoking prohibited on school grounds • Smoking prohibited within 9 metres of entrances and exits of hospitals, health care facilities, psychiatric facilities • Smoking prohibited in reserved seating area of outdoor sports arenas and entertainment venues
Private motor vehicles	<ul style="list-style-type: none"> • <i>Smoke-Free Ontario Amendment Act, 2008</i> • Smoking prohibited in private vehicles with children under the age of 16 present • In force January 21, 2009
Provision for municipalities	<ul style="list-style-type: none"> • Section 12 of the <i>Smoke-Free Ontario Act</i> states that municipalities may pass bylaws that are more restrictive and the more restrictive prevail
Summary	<ul style="list-style-type: none"> • Legislation strong for the indoor protection from SHS. • However, the fact that this Act does not uniformly prohibit smoking on outdoor patios, does not offer protection around doorways to all workplaces and public places, and does not include protection around windows that open or air intakes makes this legislation slightly behind current outdoor protection standards

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.

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 m 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 is strong • Outdoor protection is good (includes a 9 m buffer zone around certain workplaces and public places, and includes some patios) but 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

Non-Smokers' Rights Association
Winter 2010

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* later in 2010.

Saskatchewan

Public Places

Name of legislation	<ul style="list-style-type: none"> • <i>The Tobacco Control Act (amended)</i>
Date in force	<ul style="list-style-type: none"> • January 1, 2005
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 in all enclosed public places
Outdoor provisions	<ul style="list-style-type: none"> • None
Provision for municipalities	<ul style="list-style-type: none"> • Section 15 states that if there is a conflict with a provision of any other Act, regulation or bylaw, the more restrictive prevails.
Summary	<ul style="list-style-type: none"> • Legislation strong for protection in indoor public places • Legislation weak for outdoor protection—could be strengthened by including patios, school grounds, as well as buffer zones around doorways, air intakes and operable windows of all workplaces and public places

Workplaces

Name of regulations	<ul style="list-style-type: none"> • <i>Occupational Health and Safety Amendment Regulations, 2008 (No. 2)</i>
Date in force	<ul style="list-style-type: none"> • May 31, 2009
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Smoking permitted in designated smoking rooms (DSRs) by visitors and residents of long-term care homes • Smoking permitted in areas of underground mines that are more than 10 m from other workers • Smoking permitted in workplaces for people who are self-employed and typically work alone • Smoking permitted in exclusive use company vehicles
Summary	<ul style="list-style-type: none"> • Legislation strong for protection in enclosed workplaces • Legislation weak for outdoor protection—could be strengthened by including patios, as well as buffer zones around doorways, air intakes and operable windows of all workplaces

Notes **(New!)**

Bill 133, An Act to amend *The Tobacco Control Act*, received first reading in the Saskatchewan Legislative Assembly on December 2, 2009. When passed, the *Act* will, among other things:

- Prohibit smoking in a vehicle when a person under the age of 16 is present;
- Prohibit smoking on school grounds;
- Prohibit smoking in enclosed common spaces of multi-unit dwellings; and
- Add regulatory-making authority to create smoke-free spaces around doorways, windows or air intakes of enclosed public places.

Saskatchewan will become the 8th province/territory to adopt smoke-free car legislation, following Nova Scotia (2007), Yukon Territory (2008), Ontario (2008), British Columbia (2008), New Brunswick (2009), Prince Edward Island (2009) and Manitoba (2009).

In addition, the Saskatchewan Ministry of Health has announced an investment of \$1 million per year for three years for a comprehensive tobacco strategy for Saskatchewan with particular focus on protecting children and youth.

Yukon Territory

Name of legislation	<ul style="list-style-type: none"> • <i>Smoke-free Places Act</i>
Date in force	<ul style="list-style-type: none"> • May 15, 2008
Workplaces	<ul style="list-style-type: none"> • Smoking prohibited in virtually all enclosed workplaces • Home health-care workers, probation officers or social workers have the right to request that clients not smoke in their presence in private residences while receiving services • Smoking permitted in DSRs by residents of nursing homes, homes for the aged or disabled, homes for veterans and seniors over 65 • Smoking permitted by registered guests in hotel, motel, or bed and breakfast rooms designated as smoking by the manager
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
Outdoor provisions (New!)	<ul style="list-style-type: none"> • Smoking prohibited on bar and restaurant patios • Smoking prohibited within 5 m of outdoor bar and restaurant patios • Smoking prohibited within 5 m of doorways, air intakes and operable windows of workplaces and public places • Smoking prohibited on school grounds, including post-secondary institutions (see notes section)
Private motor vehicles	<ul style="list-style-type: none"> • Smoking prohibited in a motor vehicle with children under the age of 18 present
Provision for municipalities	<ul style="list-style-type: none"> • Section 15 allows municipalities to pass bylaws, and the more restrictive provision prevails
Summary	<ul style="list-style-type: none"> • The <i>Smoke-free Places Act</i> brings the Yukon Territory to the fore in Canada regarding protection from SHS, making it a national leader. • The Act is strong regarding workplaces and public places both indoors and out. • This legislation sets a national precedent by prohibiting smoking on the grounds of post-secondary institutions in the Yukon.

Notes

Yukon's *Smoke-Free Places Regulation, 2009* came into force on May 14, 2009. The regulations stipulate a 5 m buffer zone around doorways, operable windows and air intakes for all workplaces and public places. The regulations indicate that the definition of a doorway includes entryways under roofs, awnings and other similar structures, which can be wholly or partially protected by one or more walls, fences, or other structures that could restrict air circulation. In addition, smoking is not permitted within 5 m of outdoor patios.

Yukon's smoke-free legislation and regulations place the Yukon Territory at the fore of second-hand smoke protection in Canada. Congratulations to all who had a hand their creation and adoption.