

Scan of Second-hand Smoke Protective Legislation that Exceeds the Smoke-Free Ontario Act

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Patios – restaurant and bars 100% ban		The SFOA prohibits smoking on outdoor patios if the patio is partially or completely covered by a roof, and regardless of whether that roof is permanent or made of temporary coverings. The bylaws and legislation included in this section prohibit smoking on all patios regardless of whether they have a roof or not.
Yukon	<i>Smoke-free Places Act (2008)</i>	Smoking prohibited on all patios regardless of whether they are covered by a roof or not.
British Columbia	<i>White Rock Bylaw No. 1858, Public Health Smoking Protection Bylaw, 2008 (New!)</i>	Smoking prohibited in a customer service area, the definition of which includes partially enclosed or unenclosed balconies, patios, yards or sidewalks that are part of or connected to or associated with the business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site. Smoking also prohibited within 7.5 m of the perimeter of a customer service area. The definition of smoke or smoking goes beyond tobacco to include any other weed or substance.
	<i>Surrey Bylaw No. 16694, Surrey Public Health Smoking Protection Bylaw, 2008 (New!)</i>	Smoking prohibited in a customer service area, the definition of which includes a partially enclosed or unenclosed balcony, patio, yard or sidewalk, that is part of or connected to or associated with the business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site. Smoking also prohibited within 7.5 m of a customer service area. The definition of “smoke” or “smoking” includes tobacco as well as other weeds or substances.
	<i>Capital Regional District #2401 Consolidated (2007)</i>	Smoking prohibited on all patios regardless of whether they are covered by a roof or not.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
British Columbia cont'd	<i>Vancouver Health Bylaw No. 9535</i>	Same as above
Alberta	<i>Smoke-free Places Amendment Act, 2007</i>	Same as above
	<i>Airdrie # B-18/2008</i>	Same as above
	<i>Banff # 222-2/2004</i>	Same as above
	<i>Calgary # 57M92/2003</i>	Same as above
	<i>Cochrane # 17/2006</i>	Same as above
	<i>Devon # 763/2004</i>	Same as above
	<i>Edmonton # 13333/ 2003</i>	Same as above
	<i>Jasper # 061/2005</i>	Same as above
	<i>Red Deer # 3345/2005</i>	Same as above
	<i>St. Albert # 1/2004</i>	Same as above
	<i>Stettler # 1898-04</i>	Same as above
	<i>Sylvan Lake # 1397/2006</i>	Same as above
	<i>Regional Municipality of Wood Buffalo # 07/042</i>	Same as above
Saskatchewan	<i>Saskatoon # 8286 - 2004</i>	Same as above
Ontario	<i>Woodstock # 8461-08 (New!)</i>	Smoking prohibited on downtown sidewalk cafés.
	<i>Brighton # 277-2005</i>	Smoking prohibited on all patios regardless of whether they are covered by a roof or not.
	<i>Burpee and Mills # 03-15</i>	Same as above
	<i>Haldimand County # 391/03</i>	Same as above
	<i>Huron Shores # 04-06</i>	Same as above
	<i>Kingston # 2002-231</i>	Same as above
	<i>Tehkummah # 2004-08</i>	Same as above
	<i>Thunder Bay # 34-2004</i>	Same as above

Jurisdiction	Legislation	Comments
Nova Scotia	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act, 2006</i>	Same as above
	<i>Antigonish Smoking Bylaw 2003</i>	Same as above
	<i>New Glasgow # 24-2002</i>	Same as above
Newfoundland and Labrador	<i>Smoke-free Environment Act, 2005</i>	Canadian precedent. Smoking prohibited on bar and restaurant patios.
United States (New!)	<i>Various</i>	The states of Hawaii and Iowa have passed legislation banning smoking on outdoor patios. In addition, there are 149 municipalities in the United States that have enacted ordinances prohibiting smoking on patios/outdoor dining areas. ¹
Patios – restaurant 100% ban		The legislation that follows exceeds the SFOA because smoking is prohibited on restaurant patios regardless of whether they are covered by a roof or not.
British Columbia	<i>Delta # 5891-2001</i>	Smoking prohibited on all restaurant patios regardless of whether they are covered by a roof or not.
	<i>Pitt Meadows # 2090-2002</i>	Same as above
	<i>Port Coquitlam # 285-1998</i>	Same as above
	<i>Port Moody # 2300, 1996</i>	Same as above
Alberta	<i>Drayton Valley # 2003/18/P</i>	Same as above
	<i>Redcliff # 1412/2004</i>	Same as above
Nova Scotia	<i>Region of Queens Municipality # 21 (2004)</i>	Smoking prohibited in the outdoor area of a restaurant, lounge or beverage room except where minors are prohibited entry. Does not apply to an outdoor area of a restaurant, lounge or beverage room while that area is being used exclusively for a private function at which no person under the age of nineteen years is permitted.

¹ American Nonsmokers' Rights Foundation. Municipalities with Smokefree Outdoor Dining Laws. January 4, 2009. <http://www.no-smoke.org/pdf/SmokefreeOutdoorDining.pdf>. Accessed February 9, 2009.

Jurisdiction	Legislation	Comments
Nova Scotia cont'd	<i>Cape Breton Regional Municipality Smoking Bylaw (2001)</i>	Smoking prohibited in restaurants, the definition of which includes sidewalk cafes and rooftop patios which are not covered, in whole or in part, by a roof or awning.
	<i>County of Richmond # 55</i>	Smoking prohibited in any restaurant, the definition of which includes sidewalk or patio cafes.
Entrances, exits, air intakes		<p>The SFOA prohibits smoking within 9 m of any entrance or exit of a public or private hospital, a psychiatric facility, a nursing home, an approved home or charitable home for the aged, or an independent health facility. The bylaws and legislation that follow vary, and include provisions to prohibit smoking within buffer zones of varying distances to:</p> <ul style="list-style-type: none"> • Entrances and exits, operable windows and air intakes • A greater number of buildings, and in some cases, to all workplaces and public places. <p>For the purposes of this scan, breadth of scope trumps the limited 9 m rule.</p>
Yukon	<i>Smoke-free Places Act (2008)</i>	Smoking prohibited within a prescribed distance from a doorway, window or air intake of public places and workplaces, in accordance with the regulations (still to be announced).
Northwest Territories	<i>Safety Act, Section 25 – Environmental Tobacco Smoke Work Site Regulations, 2004</i>	Smoking prohibited within 3 m of any workplace or public place entrance or exit.
Nunavut	<i>Safety Act, Section 25 – Environmental Tobacco Smoke Work Site Regulations, 2004</i>	Same as above
	<i>Nunavut Tobacco Control Act, 2004</i>	Smoking prohibited within 3 m of any entrance or exit of a workplace or public place; smoking prohibited within 15 m of any entrance or exit of a school.

Jurisdiction	Legislation	Comments
Nunavut cont'd	<i>Iqaluit Bylaw # 570</i>	Smoking prohibited within 3 m of any public entranceway.
British Columbia	<i>White Rock # 1858, 2008 (New!)</i>	Smoking prohibited within 7.5 m of any door or window that opens or any air intake.
	<i>Surrey Bylaw No. 16694, Surrey Public Health Smoking Protection Bylaw, 2008 (New!)</i>	Smoking prohibited within 7.5 m from any opening into any building, including any door or window that opens or any air intake.
	<i>Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act, 2007</i>	Smoking prohibited within 3 m from a doorway, window or air intake of any building, structure, vehicle or any other place that is fully or substantially enclosed.
	<i>Vancouver Health Bylaw No. 9535</i>	Smoking prohibited within 6 m of any building, windows that open and air intakes.
Alberta	<i>Airdrie # B-18/2008 (New!)</i>	Smoking prohibited within 5 m of an entrance or exit to a public building, city building or workplace.
	<i>Smoke-free Places Amendment Act, 2007</i>	Smoking prohibited within 5 m from a doorway, window or air intake of a public place or workplace.
	<i>Beaumont # 593-03</i>	Smoking prohibited within 6 m of an entrance or exit of any public building, town building or any workplace.
	<i>Calgary #47M 2006</i>	Smoking prohibited within 3 m of an entrance or exit to a public premises, the definition of which includes any place to which the public has access.
	<i>Camrose #2376/03</i>	Smoking prohibited within 3 m of an entrance or exit to a public building, the definition of which includes any place to which the public has access.
	<i>Cochrane # 17/2006</i>	Smoking prohibited within 3 m of an entrance or exit to a work place or public building. The definition of public building includes any building to which the public has access.
	<i>Devon # 763/2004</i>	Smoking prohibited within 3 m of any building entrance or exit.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Alberta cont'd	<i>St. Albert # 1/2004</i>	Smoking prohibited within 3 m of any building entrance or exit and on the grounds of an outdoor public event.
	<i>Stettler # 1898-04</i>	Smoking prohibited within 6 m of an entrance or exit to a public building, town building or workplace.
	<i>Strathcona County # 96-2002</i>	Smoking prohibited within 3 m of the main entrance or exit to a designated public place, the definition of which includes places the public normally has access and workplaces.
	<i>Sylvan Lake # 1397/2006</i>	Smoking prohibited within 3 m of an entrance or exit to a workplace or public building, the definition of which includes a place the public normally has access.
	<i>Regional Municipality of Wood Buffalo # 07/042</i>	Smoking prohibited within 10 m of public transportation vehicle shelters, entrances or exits to public buildings and workplaces.
Ontario	<i>North Huron #22-2008 (New!)</i>	Smoking prohibited within 9 m of any entrance or exit of the North Huron municipal office, the community complex, Blyth and District community centre, or the Belgrave community centre.
	<i>County of Wellington # 5040-08 (New!)</i>	Smoking prohibited within 5 m of any County owned buildings, except Wellington Terrace which is legislated to be 9 m.
	<i>Brighton # 565-2008 (New!)</i>	Smoking prohibited within 9 m of the doorway, entrance or exit of any municipal building.
	<i>Woodstock # 8461-08 (New!)</i>	Smoking prohibited within 9 m of any entrance to a municipal building.
	<i>Sioux Lookout # 12-03</i>	Smoking prohibited within 2 m of an entrance to a building, structure, or other place in which a workplace is situated.
	<i>Port Hope # 88/2004</i>	Smoking prohibited within 10 m of any door or window of any building owned or leased by Port Hope.
	<i>Northeastern Manitoulin & the Islands # 2003-20</i>	Smoking prohibited within 9 m of any entranceway of a building owned or leased by the town.
	<i>Huron Shores # 04-06</i>	Smoking prohibited within 4 m of any public entranceway to a public building or workplace.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Ontario cont'd	<i>Thunder Bay #34-2004</i>	Smoking prohibited within 3 m of the entrance to any workplace or public place.
	<i>Haldimand County Bylaw # 296/02</i>	Smoking prohibited within 9 m of any entrance to any building or structure owned, leased or otherwise operated by the municipality.
	<i>Kenora Bylaw #145-2007</i>	Smoking prohibited within 9 m of entrances or exits of city-owned facilities.
	<i>Ottawa Bylaw 2006-6</i>	Smoking prohibited within 9 m of any entrance or exit of a facility or any other building that is owned or leased by the City.
	<i>Peterborough Bylaw # 07-126</i>	Smoking prohibited within 9 m of any entrance, exit or air intake of municipal buildings; smoking prohibited on any land owned by the Peterborough County-City Health Unit.
	<i>Prescott Bylaw #35-2007</i>	Smoking prohibited from the entire town hall property except for in a specific smoking area, and smoking prohibited within 15 feet (4.5 m) of the entrance to any other municipal building.
	<i>Sault Ste. Marie Bylaw # 2007-154</i>	Smoking prohibited within 4 m of the entrances to John Rhodes Community Centre and the McMeeken Centre Arena.
	<i>Spanish-Sables Rivers</i>	Smoking prohibited within 10 m of entranceways to public buildings.
	<i>Thunder Bay # 34-2004</i>	Smoking prohibited within 3 m of entrances to workplaces and public places, and within 3 m in any direction of a booth or stand where food and beverages are sold or offered to the public.
	<i>West Nipissing</i>	Smoking prohibited within 9 m of entranceways and windows of municipal buildings, including community centres, libraries, arenas, garages, the town hall and the sports complex.
Québec	<i>Tobacco Act 2006</i>	Smoking prohibited within a 9 m radius around entrances and exits of health and social service institutions, colleges and universities, non-residential childcare centres, facilities where activities for minors are held.

Jurisdiction	Legislation	Comments
Nova Scotia	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act</i>	Smoking prohibited within 4 m of ventilation air intakes, windows, entrances, exits, licensed outdoor areas.
	<i>Antigonish Smoking Bylaw (2003)</i>	Smoking prohibited within 4 m of all public entrances and air intakes to buildings including windows capable of being opened.
	<i>Berwick Smoke-free Indoor Public Places Bylaw (2002)</i>	Smoking prohibited within 1 m of all public entrances and air intakes to buildings.
	<i>Mulgrave # 35 (2003)</i>	Smoking prohibited within 4 m of all public entrances and air intakes to buildings.
	<i>New Glasgow # 24 (2003)</i>	Smoking prohibited within 1 m of all public entrances and air intakes to buildings including windows capable of being opened.
	<i>Region of Queens Municipality #21 (2004)</i>	Smoking prohibited within 4 m of an entranceway or exit of any sort, an open window or an intake for a building ventilation system.
	<i>County of Richmond # 55</i>	Smoking prohibited within 5 m of any public entrance or air intake to any public place.
	<i>County of Victoria Non-Smoking Bylaw (2002)</i>	Smoking prohibited within 5 m of any public entrance or air intake to any public place.
	<i>Wolfville # 72 (2002)</i>	Smoking prohibited within 1 m of all public entrances (excluding entrances to individual units used for tourist accommodation) and air intakes excluding windows.
Prince Edward Island	<i>Smoke-free Places Act, 2002</i>	Smoking prohibited 2.4 m from entrances and exits, 4.5 m from air intakes.
United States		There are 826 municipalities in the U.S. that prohibit smoking near entrances, windows, and ventilation systems of enclosed places. ²

² American Nonsmokers' Rights Foundation. Overview List – How Many Smokefree Laws? January 4, 2009. <http://www.no-smoke.org/pdf/mediaordlist.pdf>. Accessed February 10, 2009.

Jurisdiction	Legislation	Comments
Public transit buffer zones (New!)		Although the SFOA prohibits smoking within transit shelters, the Act does not offer protection within a buffer zone of public transit waiting areas.
North Vancouver	<i>Smoking Prohibition in Bus Shelters Bylaw #7854, 2007. In effect April 2, 2007.</i>	Smoking prohibited in any bus shelter or within a 7.5 m radius of any bus shelter.
Woodstock, Ontario (New!)	<i>Bylaw No. 8461-08, Smoke Free Work Places and Public Places. In force September 1, 2008.</i>	Smoking prohibited within 4 m of any municipal bus stop.
Ottawa, Ontario	<i>Bylaw 2007-268, A bylaw of the City of Ottawa respecting public transit. In force November 1, 2007.</i>	Smoking prohibited on transit property, including stations, platforms and the transitway. Smoking prohibited within 9 m of shelters and bus stops.
Iowa	<i>Smoke-Free Iowa Air Act July 1, 2008</i>	Smoking prohibited at public transit stations, on platforms, and in shelters under the authority of the state or its political subdivisions.
United States (New!)	<i>Various</i>	There are at least 125 municipalities in the United States that have enacted laws prohibiting smoking on outdoor public transit waiting areas. ³

³ American Nonsmokers' Rights Foundation. Municipalities with Smokefree Outdoor Public Transit Waiting Area Laws. January 4, 2009. <http://www.no-smoke.org/pdf/SmokefreeBusStops.pdf>. Accessed February 10, 2009.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Playgrounds, parks, outdoor events		The SFOA prohibits smoking on elementary and high school grounds and in the reserved seating areas of sports arenas or entertainment venues, including outdoor venues. The bylaws and legislation that follow go further than the SFOA by prohibiting smoking outdoors at playgrounds, parks, wading pools and splash pads, sport and recreational fields and facilities, festivals, concerts, parades, markets, zoos, golf courses, etc.
British Columbia	<i>White Rock # 1858, 2008</i> (New!)	Smoking prohibited in any outdoor gathering place under the jurisdiction of the City of White Rock including parks, sports fields, playgrounds, the promenade, the pier and the beach.
Alberta	<i>Calgary # 47M 2006</i>	Smoking prohibited in Olympic Plaza.
	<i>Devon # 763/2004</i>	Smoking prohibited on the grounds of an outdoor public event, except in an area reserved for motor vehicle parking. Outdoor public event is defined as an outdoor market, festival or concert.
	<i>St. Albert # 1/2004</i>	Same as above.
Saskatchewan	<i>Saskatoon # 8286/2004</i>	Smoking prohibited in the portion of a tent or other portable shelter used in connection with a community event that is open to the public or to which the public is admitted or invited and for which a permit or an endorsement or extension to an existing permit has been issued pursuant to <i>The Alcohol and Gaming Regulation Act, 1997</i> .
Ontario	<i>Toronto Municipal Code Chapter 608 – Parks.</i> (New!) <i>Amendments passed Jan. 27, 2009. In effect spring 2009.</i>	Smoking prohibited within 9 m of playground equipment and surfaces, wading pools and splash pads, and zoos and farms managed by Parks, Forestry and Recreation.

Jurisdiction	Legislation	Comments
Ontario cont'd	<i>Woodstock Bylaw No. 8461-08, Smoke Free Work Places and Public Places.</i> <i>(New!) In effect Sept. 1, 2008.</i>	Smoking prohibited within 30 m of any playground equipment located within a municipal public park (includes swimming pools), and within 15 m of any recreational field within a municipal public park (includes baseball diamonds, soccer pitches, player or spectator benches and lawn bowling fields, but not golf courses), and during special community events including but not limited to parades, outdoor concerts, sports tournaments, sidewalk sales, Canada Day celebrations and Cowapalooza.
	<i>Orillia Chapter 953, Smoking Regulation, Public Places and Workplaces.</i> <i>(New!) In effect June 30, 2008.</i>	Smoking prohibited within 10 m of a playground area, sport activity area (including but not limited to ball diamonds, soccer fields, basketball courts, tennis courts, etc.) Effective June 30, 2008.
	<i>North Huron No. 22-2008</i> <i>(New!)</i>	Smoking prohibited in an outdoor bleacher area to which the general public has access or is invited.
	<i>Belleville # 2007-142</i>	Smoking prohibited in any park or part thereof designated by signs or markers. According to media reports, the bylaw was as much about protecting playground equipment that was getting damaged by discarded butts as it was about protection from SHS.
	<i>Collingwood # 02-109</i>	Smoking prohibited within 25 m of any playground equipment, the definition of which includes municipally-owned swimming pools. The definition of playground equipment does not include facilities for baseball, hockey and walking and biking trails.
	<i>New Tecumseth #2002-114</i>	Smoking prohibited within 10 m of any playground area established and fitted with equipment (slides, swings, etc.).
	<i>Peterborough Bylaw #07-126, As Amended, Being a Consolidated Bylaw Respecting Smoking in Certain Public Places in the City of Peterborough</i>	Smoking prohibited at the Riverview Park and Zoo, including the playground, the train station and platform, and the green space bounded by the fence.

Jurisdiction	Legislation	Comments
Nova Scotia	<i>Bridgewater chapter 191, Protection from Second-Hand Smoke Bylaw (New!) In effect September 1, 2008.</i>	Smoking prohibited on town property owned or leased, including: parks, playgrounds, outdoor recreational facilities, grounds of town buildings, grounds of an event that is open to the public, including festivals, markets and concerts, cemetery, trails and paths and streets along a parade route while a parade is in progress.
California	<i>Health and Safety Code, section 104495</i>	Smoking prohibited within 25 feet (7.6 m) of any playground or tot lot sand box area, except those on private property.
United States	<i>Various</i>	There are 399 American municipalities that have 100% smoke-free park ordinances. This list does not include parks with designated smoking areas, smoke-free buffer zones around play structures or those that only offer protection during youth events. ⁴ Twenty-nine municipalities and the state of Oklahoma have smoke-free zoos. ⁵ In total, over 1000 state and local governments have passed laws of varying strength restricting outdoor smoking at playgrounds and other outdoor public areas including parks, plazas, stadiums, sports and entertainment pavilions and outdoor theatres. ⁶
Queensland, Australia	<i>Tobacco and Other Smoking Products Act 1998. In effect January 1, 2005.</i>	Smoking prohibited within 10 m of children's outdoor playground equipment situated at a place that is ordinarily open to the public.

⁴ American Nonsmokers' Rights Foundation. Municipalities with Smokefree Park Laws. January 4, 2009. www.no-smoke.org/pdf/SmokefreeParks.pdf. Accessed February 9, 2009.

⁵ American Nonsmokers' Rights Foundation. Municipalities with Smokefree Zoo Laws. <http://www.no-smoke.org/pdf/SmokefreeZoos.pdf>. Accessed February 9, 2009.

⁶ American Non-Smokers' Rights Foundation. Some of the most restrictive outdoor smoking provisions are in California. For example, the City of Santa Monica recently amended its municipal code, making it one of the most restrictive jurisdictions in the United States. Chapter 4.44 of the Santa Monica Municipal Code prohibits smoking: in any public park, on any public beach, anywhere on the Santa Monica pier, in any outdoor service area including bus stops, ATM lines, information kiosks and theatre lines, in any outdoor dining area, within 20 feet (6 m) of the entrance, exit or open window of any building open to the public, the Third Street Promenade and at any Farmers Market.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Beaches		The SFOA does not prohibit smoking on beaches.
White Rock, British Columbia <i>(New!)</i>	<i>Bylaw # 1858, 2008</i>	Smoking prohibited in any outdoor gathering place under the jurisdiction of the City of White Rock, including the beach.
Orillia, Ontario <i>(New!)</i>	<i>Chapter 953, Smoking Regulation, Public Places and Workplaces</i>	Canadian precedent. Smoking prohibited within 10 m of a beach area, which means the sand area of beaches located in conjunction with a municipally designed (sic) public swim area.
New York State <i>(New!)</i>	<i>Bill # A01837 - An act to amend the public health law, in relation to prohibiting smoking on public beaches and in public parks. Referred to health committee, Jan. 12, 2009.</i>	This proposed bill adds a new section to the public health law to prohibit smoking on any municipal or state operated beach, park or golf course. The governing body that operates or maintains the park, beach or golf course may designate smoking areas in such park or beach. If smoking areas are designated, ashtrays shall be provided and signs shall be posted informing individuals to properly dispose of cigarettes.
United States	<i>Various Municipal code amendments.</i>	Seventy-six municipalities have 100% smoke-free beach ordinances, with the list excluding beaches with designated smoking areas. ⁷ In fact, 96% of the coastline in southern California is totally smoke-free. ⁸
Australia		In New South Wales 5 city councils have smoke-free beaches, including the famous Bondi and Manley beaches, and in Queensland all patrolled beaches are smoke-free. ⁹ The City of Joondalup was the first local government in Western Australia to ban smoking on its beaches.

⁷ American Nonsmokers' Rights Foundation. Municipalities with Smokefree Beach Laws. January 4, 2009. www.no-smoke.org/pdf/SmokefreeBeaches.pdf. Accessed February 10, 2009.

⁸ County of Los Angeles Public Health. For a map, see http://www.lapublichealth.org/tob/pdf/Beach_Feb_22_07revised.pdf. Accessed February 10, 2009.

⁹ New Zealand Herald. *We'll not light them on the beaches*. March 24, 2008. www.nzherald.co.nz/section/2/story.cfm?c_id=2&objectid=10499768

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Private vehicles with children present		The SFOA prohibits smoking in a private vehicle with a child under the age of 16 present. The bylaws and legislation that follow stipulate an age older than 16, and/or have a broad definition of smoking that includes other substances.
Yukon Territory <i>(New!)</i>	<i>Smoke-free Places Act, 2008</i>	Smoking prohibited in private vehicles with children under the age of 18 present. Came into force May 18, 2008.
White Rock, British Columbia <i>(New!)</i>	<i>Bylaw # 1858, 2008, Public Health Smoking Protection Bylaw</i>	Smoking prohibited in a vehicle when any other occupant of the vehicle is under the age of 16 years. The definition of smoking goes beyond tobacco to include other weeds or substances.
Surrey, British Columbia <i>(New!)</i>	<i>Bylaw No. 16694, Surrey Public Health Smoking Protection Bylaw, 2008</i>	Smoking prohibited in a vehicle when any other occupant of the vehicle is under the age of 19 years. ¹⁰
Okotoks, Alberta <i>(New!)</i>	<i>Bylaw # 19-08, Smoke Free Vehicles for Children</i>	Smoking prohibited in private vehicles with children under the age of 16 present. The definition of "smoke" in this bylaw goes beyond tobacco to include other combustible substances.
Nova Scotia	<i>An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act (2007)</i>	Smoking prohibited in private vehicles with children under the age of 19 present.
Wolfville, Nova Scotia	<i>Bylaw #89, Smoke Free Vehicles Bylaw (2007)</i>	Smoking prohibited in private vehicles with children under the age of 18 present. The definition of smoking is broad and includes weed, plant, regulated narcotic or other combustible substance.
Oregon <i>(New!)</i>	<i>First public hearing Jan. 30, 2009.</i>	Smoking would be prohibited in a motor vehicle if a child under the age of 17 is present.

¹⁰ Note that BC Bill 36, Motor Vehicle (Banning Smoking When Children Present) Amendment Act, 2008 received royal assent May 29, 2008 and is set to come into force by regulation of the Lieutenant Governor in Council. However, the law prohibits smoking with children aged 16 or less, so therefore does not exceed the provisions of the Smoke-Free Ontario Act and is not included in this scan.

Jurisdiction	Legislation	Comments
Minnesota (New!)	<i>House File No. 379 A Bill for an Act Relating to Health; Prohibiting Smoking in a Vehicle with Children. Bill introduced January 29, 2009.</i>	Smoking to be prohibited in a motor vehicle when transporting a child who is under the age of 18 years. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product.
Maine (New!)	<i>Chapter 591, 123^d State Legislature – An Act to Protect Children in Vehicles from Secondhand Smoke.</i>	Smoking prohibited in private vehicles with children under the age of 16. "Smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance. In effect September 1, 2008.
California	<i>Marco Firebaugh Memorial Children's Health and Safety Act, 2007 (Article 2.5 of the Health and Safety Code)</i>	Smoking prohibited in all motor vehicles with a child under the age of 18 present. This prohibition shall not be considered a primary infraction—law enforcement officers cannot stop a vehicle for the sole purpose of determining whether the driver is in violation of the law. Definition of smoking is broad and includes "any other plant."
West Long Branch, New Jersey (New!)	<i>Ordinance No. 0-07-10, An Ordinance Prohibiting Smoking in Motor Vehicles When Minors are Present Adopted June 6, 2007.</i>	Smoking prohibited in motor vehicles if a person under the age of 18 is also occupying the vehicle.
Keyport, New Jersey	<i>Ordinance 13-07 An Ordinance Creating Chapter 4-10 Motor Vehicles; Section s.4-10.1</i>	Smoking prohibited in motor vehicles when a child under the age of 18 is also present.
Bangor, Maine	<i>Smoking in Motor Vehicles [Added 1-8-2007 by Ordinance No. 07-50]</i>	Smoking prohibited in a motor vehicle when any person under the age of 18 is present, regardless of whether the windows are down.
Rockland County, New York	<i>Ordinance No. 6 of 2007 Rockland County Kids in Cars Smoking Safety Act</i>	Smoking prohibited in a motor vehicle when any child under the age of 18 is present.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Tasmania, Australia	<i>Public Health Act 1997 Amended (2007) – Restrictions on smoking in vehicles.</i>	Smoking prohibited in a motor vehicle if a child under the age of 18 is present. Came into force January 1, 2008.
Foster care homes and cars		The SFOA does not protect foster children from SHS in homes and cars.
British Columbia (New!)	<i>Standards for Foster Homes: Child, Family and Community Service Act.</i>	Smoking prohibited in foster care homes and cars. In effect May 1, 2008 for new family care home agreements and November 1, 2008 for existing agreements.
Alberta	<i>Alberta Children's Services, Enhancement Act Policy Manual.</i>	Smoking prohibited in foster care homes and in vehicles when children are being transported.
New Brunswick	<i>Family Foster Care Standards, Department of Family and Community Services</i>	Smoking prohibited in foster care homes and vehicles.
Vermont	<i>Licensing Regulations for Foster Care. Agency of Human Services, Department for Children and Families.</i>	Foster parents shall ensure that children in the custody of the Department shall not be exposed to second hand smoke in the foster parent's home or vehicle.
New Jersey	<i>New Jersey Smoke-free Air Regulations (2006)</i> Adopted by regulation on December 19, 2005, and took effect on February 6, 2006.	All resource family homes are required to be smoke-free, cars that transport the resource family child are to be smoke-free, and no smoking outdoors if a resource family child is present. Resource family homes include homes previously categorized as foster homes, adoptive homes, family friend homes and relative care homes.
Illinois	<i>Smoke Free Illinois Act (2008)</i>	Smoking prohibited in private residences, which are considered workplaces, where children in foster care live.

Jurisdiction	Legislation	Comments
Arizona	<i>Arizona Administrative Code 6-5-7465 (2006)</i>	Smoking prohibited in foster homes, vehicles and any other enclosed public or private place with a foster child.
Maine	<i>Code of Maine Rules, 10-148, Chapter 16, Section 9 (2004)</i>	Smoking prohibited in a foster home within 12 hours of the child arriving, and in a vehicle within 12 hours of transporting a foster child.
Montana	<i>Administrative Rules of Montana, 37-51-825 (13) (2006)</i>	Smoking prohibited in foster homes and vehicles.
North Dakota	<i>North Dakota Administrative Code, 75-03-14-04 (2007)</i>	Smoking prohibited in foster homes.
Oregon	<i>Oregon Administrative Rules, 413-200-0335, 7(a),(b) (2001)</i>	Smoking prohibited in foster homes and vehicles.
Washington State	<i>Washington Revised Code. Smoking in Public Places Act. 70-160-011 (2005)</i>	Smoking prohibited in all public places and workplaces. A public place includes a private residence used to provide foster care.
Texas	<i>Texas Administrative Code. 40-749-2931 (2007)</i>	Smoking prohibited in foster homes and vehicles.
Monterey, San Luis Obispo, and Santa Cruz California	<i>Various</i>	These three municipalities ban smoking in both foster care homes and cars that transport foster children. San Luis Obispo also bans smoking within 20 feet of the child in all other places that the foster parent controls; and cars that transport children must be smoke-free for a minimum of 12 hours before a child enters. ¹¹

¹¹ New Jersey GASP. Protecting Foster/Resource Family Children from Secondhand Smoke in Homes and Cars. November 2008. http://www.njgasp.org/d_Foster_Homes_and_Cars.pdf. Accessed February 9, 2009.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Indoor and outdoor multi-unit dwelling (MUD) provisions		<p>The SFOA prohibits smoking in enclosed common areas of MUDs, including hallways, elevators, laundry rooms, etc. The bylaws and legislation that follow include provisions that:</p> <ul style="list-style-type: none"> • Prohibit smoking in outdoor common areas of MUDs • Prohibit smoking within buffer zones around MUDs • Prohibit smoking in private units of MUDs • Require disclosure about the location of smoking units for rental apartments, condominiums, or both • Require lease language inclusions
Airdrie, Alberta (New!)	<i>Bylaw No. 18/2008, Being a Bylaw to Amend the City of Airdrie Smoking Bylaw No. B-44/2004.</i>	This is a Canadian precedent. Smoking prohibited on patios, pools and other recreational areas of buildings containing two or more private residences.
Hawaii (New!)	<i>HB No. 66 – Chapter 356D Hawaii Revised Statutes Amendment proposed. Passed first reading Jan. 22, 2009.</i>	Proposed bill would prohibit smoking in individual housing units, hallways, enclosed or partially enclosed common areas and within 20 feet from each individual building of public housing projects or state low income housing projects. The authority shall designate one or more permissible smoking areas at least 20 feet from any residential building or community facility.
Santa Monica, California (New!)	<i>Ordinance #2282 amending chapter 44 of the municipal code to regulate smoking in common areas of multi-unit residential properties.</i>	Smoking prohibited in enclosed and outdoor common areas of apartments and condominiums. The landlord will be able to set up a smoking permitted area outside if it meets certain space requirements.

Jurisdiction	Legislation	Comments
Glendale, California <i>(New!)</i>	<i>Amendments to Glendale Municipal Code 8.52: Smoking. October 2008.</i>	Smoking prohibited in all indoor and outdoor common areas, except that a landlord may create an outdoor DSA that meets certain restrictions. Landlords are required to disclose whether smoking is allowed in the prospective unit and if the unit was designated as smoking or nonsmoking for the previous tenant. In addition, landlords need to provide a map with the location of smoking and nonsmoking units, as well as the location of all common areas where smoking is prohibited. In addition, amendments give landlords authority to create nonsmoking units or to make entire property smoke-free.
Loma Linda, California <i>(New!)</i>	<i>Amendments to Loma Linda Municipal Code 8.10: Second-hand Smoke Control. June 2008.</i>	Smoking prohibited in all indoor and outdoor common areas. By January 1, 2012, landlords must prohibit smoking in at least 70% of new and existing apartment units including patios and balconies. Non-smoking units must be contiguous to the maximum extent possible. In the interim, landlords must submit to the city annual reports indicating location of smoking and non-smoking units, including grandfathered units. Disclosure requirements also noted for prospective tenants.
Albany, California <i>(New!)</i>	<i>Amendments to Albany Municipal Code Chapter 17: Smoking Pollution Control. June 2008.</i>	Disclosure requirements regarding the smoking policy for landlords and sellers of condominiums. Landlords must maintain and provide to tenants a floor plan indicating location of smoking and non-smoking units. Smoking prohibited in indoor and outdoor common areas—landlord may create an outdoor DSA that meets certain restrictions.

Jurisdiction	Legislation	Comments
Novato, California <i>(New!)</i>	<i>Amendments to Novato Municipal Code: No. 1533 Smoke-Free Air and Health Protection Ordinance April 2008.</i>	For new apartments with 10 or more units, smoking prohibited in 75% of the units, including patios and balconies. For all existing apartments with 10 or more units, 50% must be designated as non-smoking, including all patios and balconies. All non-smoking units must be grouped together to the maximum extent possible. Current tenants grandfathered for as long as they continuously reside in their units. All leases must contain language that indicates whether the unit is smoking or non-smoking. Landlords must maintain and provide a floor plan identifying location of smoking and non-smoking units. Smoking prohibited in all indoor and outdoor common areas, except in an outdoor DSA that meets certain requirements. Finally, SHS exposure in a place of human habitation declared a nuisance.
Calabases, California <i>(New!)</i>	<i>Ordinance No. 2008-239 An Ordinance of the City of Calabases Regulating Second-hand Smoke in Multi-Family Rental Housing and Amending the Calabases Municipal Code. January 2008.</i>	By January 1, 2012, landlords must prohibit smoking in at least 80% of units of new and existing apartments, including patios and balconies. Non-smoking units must be grouped together where possible. In the interim, landlords must provide to the city annual reports indicating number and location of smoking and non-smoking units. Landlords must also maintain and provide a floor plan to all prospective tenants, as well as create an outdoor DSA. Leases must contain language that states whether the unit is smoking or non-smoking. Smoking prohibited in all indoor and outdoor common areas. SHS also declared a public nuisance.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Belmont, California	<i>Ordinance #1032 Regulating Second-hand Smoke and Amending Chapter 20.5 of the Belmont Municipal Code. In effect November 2007.</i>	This ordinance contains the strongest smoking restrictions in the United States. Smoking prohibited in individual units of multi-unit residences, if such units share at least one common floor or ceiling with another unit. The definition of unit includes private outdoor spaces such as balconies, decks and patios, and the definition of smoking includes "other plants" as well as hookahs. Outdoor designated smoking areas of multi-unit residences must be at least 20 feet (6 m) from any operable window or door used by the public of an indoor area where smoking is prohibited, as well as being located at least 20 feet away from outdoor play areas used by children. There is a 14-month phase-in period, until Jan. 9, 2009. The law requires specific provisions to be included in all lease terms, and it is considered a material breach of the lease to smoke or allow smoking on the property.
Oakland, California	<i>An ordinance amending Oakland Municipal Code. Chapter 8.30.050.</i>	All landlords in multi-housing complexes are required to disclose to prospective tenants whether smoking is permitted in the unit to be rented, which units are designated smoking units, and the smoking policy for the complex. In addition, condominium sellers are required to disclose to prospective buyers whether smoking is permitted in the unit and the smoking policy for the complex. Smoking prohibited in all indoor and outdoor common areas.
Temecula, California	<i>Municipal Code Chapter 17.30 Smoking in Multi-Unit Residences</i>	In every MUD first occupied by a resident or tenant more than 6 months after the effective date of this chapter and containing 10 or more units, at least 25% of the units (including private outdoor spaces associated with such units including balconies, patios and decks) shall be designated as non-smoking unit. Non-smoking units must be grouped together. For multiple buildings, non-smoking units shall be located together in a separate building.
Emeryville, California	<i>Municipal Code Chapter 5. 29. Smoking Pollution Control</i>	Smoking prohibited within 25 feet (7.6 m) of all multi-family residential complex entryways and vents.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
MUDs – student dormitories		The SFOA does not prohibit smoking within the private units of post-secondary education student dormitories.
New York State <i>(New!)</i>	<i>Public Health Law §1399-0 Smoking Restrictions July 8, 2008</i>	Smoking prohibited in the dorms, residence halls and other group residential facilities of all public and private college, university and other educational and vocational institutions.
Iowa <i>(New!)</i>	<i>Smoke-Free Iowa Air Act July 1, 2008</i>	Smoking prohibited at all public and private colleges and universities, including inside the dorms.
New Jersey	<i>New Jersey Smoke-free Air Act (2006)</i>	Smoking prohibited in student dormitories that are owned and operated or otherwise utilized by a public or private institution of higher education.
Illinois	<i>Illinois Clean Indoor Air Act, Section 4.5</i>	Same as above
Wisconsin	<i>Chapter 101- Department of Commerce— Regulation of Industry, Buildings and Safety</i>	State law prohibits smoking in University of Wisconsin housing.
Connecticut	<i>Clean Indoor Air Act April 1, 2004</i>	Smoking prohibited at public colleges and universities, including inside dormitories.
Hotels, motels, inns		The SFOA does not prohibit smoking within the private units of temporary guest accommodations, nor does it require a certain percentage of rooms be designated as non-smoking, nor does it stipulate ventilation requirements for such accommodations.
Airdrie, Alberta <i>(New!)</i>	<i>Bylaw No. 18/2008, Being a Bylaw to Amend the City of Airdrie Smoking Bylaw No. B-44/2004.</i>	Smoking prohibited in workplaces, the definition of which includes the private units of hotels, motels and inns.
Canmore, Alberta	<i>Bylaw #23-2006 Section 2.23 (b) September, 2006</i>	If an employee works in any portion of a building, the entire building shall be deemed to be a workplace (includes hotel and motel rooms).

Jurisdiction	Legislation	Comments
Manitoba	<i>Non-Smokers Health Protection Act (Various Acts Amended) S. 3(2) (2004)</i>	For hotel and other temporary guest rooms that are constructed or substantially renovated after the <i>Act</i> came into force, guest rooms designated for smoking must have a separate ventilation system.
County of Huron, Ontario	<i>Bylaw #21, 2003 A Bylaw to Regulate Smoking in Public Places and Workplaces in Huron County Sections 1.13, 2.1, 2.2</i>	Canadian precedent. Huron County was the first municipality in Canada to offer visitors 100% smoke-free rental accommodation. For the purposes of this bylaw, the definition of private residence does not include hotels, motels, B&Bs, etc. Approximately 100 temporary guest accommodation establishments are affected by this bylaw.
Québec	<i>Québec Tobacco Act Section 6 (2006)</i>	Sixty percent of rooms in any type of guest accommodation must be smoke-free, and also contiguous. For small establishments like B&Bs with just one or two rooms, this means they must be completely smoke-free.
New Brunswick	<i>Smoke-free Places Act Sections 5 & 6 (2004)</i>	For hotel and other temporary guest rooms that are constructed or substantially renovated after the <i>Act</i> came into force, guest rooms designated for smoking must have a separate ventilation system.
United States (New!)		Twenty-three states, as well as dozens of American municipalities, have laws requiring that a certain percentage of hotel rooms be designated as non-smoking. ¹²
Nursing homes and long-term care facilities (LTC)		The SFOA permits smoking in controlled smoking areas that meet certain strict requirements. The bylaws and legislation that follow prohibit smoking in nursing homes and LTCs.
Wellington County, Ontario (New!)	<i>Bylaw #5040-08</i>	Smoking prohibited in nursing homes.
Hamilton, Ontario	<i>Bylaw # 02-054</i>	Sunset clause on designated smoking rooms May 31, 2008 in residential care facilities.
Peterborough County, Ontario	<i>Bylaw # 30-2003</i>	Smoking prohibited.

¹² American Nonsmokers' Rights Foundation. State and Local Laws Restricting Smoking in Hotel and Motel Guest Rooms. January 4, 2009. www.no-smoke.org/pdf/statelocallawshotelrooms.pdf. Accessed February 9, 2009.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Greater Sudbury, Ontario	<i>Bylaw # 2002-300</i>	Smoking prohibited.
United States	<i>Various</i>	New Jersey, Washington State, North Carolina and Delaware County, Indiana have laws prohibiting smoking in nursing homes. ¹³ In addition, at least thirty nursing homes in the United States have voluntarily adopted 100% smoke-free building and indoor areas policies. ¹⁴
Hospital grounds (New!)		The SFOA prohibits smoking within 9 m of entrances and exits of hospitals, but is silent regarding hospital grounds.
Woodstock, Ontario (New!)	<i>Bylaw No. 8461-08, Smoke Free Work Places and Public Places. In force September 1, 2008.</i>	Smoking prohibited on hospital grounds.
Kingston, Ontario	<i>Bylaw # 2002-231</i>	Smoking was prohibited beyond 9 m on hospital property; however, when the bylaw was consolidated this provision was accidentally omitted and therefore is not currently being enforced. The intention is to reinstate the provision in the future. ¹⁵
Arkansas	<i>In effect October 1, 2005.</i>	Smoking prohibited on all Arkansas hospital campuses, except mental hospitals. Hospitals, as well as hospital-owned and operated ambulatory surgery center centers and hospital-owned and operated free standing medical clinics, are included. ¹⁶
Denver, Colorado		Smoking prohibited in all Denver hospital outdoor areas, including any adjacent public right of way (including sidewalks, tree lawns, and alleys). ¹⁷

¹³ Center for Social Gerontology. Personal communication with Jim Bergman, February 10, 2009.

¹⁴ American Nonsmokers' Rights Foundation. 100% Smokefree U.S. Hospitals and Nursing Homes. January 4, 2009. www.no-smoke.org/pdf/smokefreehealthcare.pdf. Accessed February 10, 2009.

¹⁵ Bylaw services, personal communication, September 28, 2007.

¹⁶ American Nonsmokers' Rights Foundation. 100% smoke-free U.S. hospitals and nursing homes. January 4, 2009. <http://www.no-smoke.org/pdf/smokefreehealthcare.pdf>. Accessed February 9, 2009.

¹⁷ Ibid.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Post-secondary education campuses (New!)		The SFOA does not prohibit smoking within a prescribed buffer zone around post-secondary education buildings, nor on college or university campuses.
Yukon Territory (New!)	<i>Smoke-free Places Act. In force May 15, 2008.</i>	Smoking prohibited on the grounds of a school, the definition of which includes training centres or post-secondary institutions.
Québec	<i>Tobacco Act 2006</i>	Smoking prohibited within a 9 m radius around entrances and exits of colleges and universities.
Streets (New!)		The SFOA does not prohibit smoking on streets.
Truro, Nova Scotia (New!)	<i>No Smoking By-Law # 0901 Approved January 12, 2009.</i>	Smoking prohibited in any portion of Inglis Place, including any sidewalk, street, lane, thoroughfare, curb, and retaining wall, but does not include a private residence.
Bridgewater, Nova Scotia (New!)	<i>Bylaw Chapter 191, Protection from Second-Hand Smoke Bylaw. In force September 1, 2008.</i>	Smoking prohibited in streets within a school area, except within enclosed motor vehicles.
Yarmouth, Nova Scotia	<i>Bylaw No. 66, Smoking Bylaw. In force March 22, 2002.</i>	Smoking prohibited on both sides of 6 streets adjacent to 3 schools between 8 am and 4 pm on the days that the schools are in regular session.
Second-hand smoke declared a public nuisance		The SFOA does not officially recognize SHS as a nuisance.
Utah	<i>Utah Code section 78-38-1(3):Second-hand Smoke Amendments</i>	A nuisance under this section includes tobacco smoke that drifts into any residential unit a person rents, leases, or owns, from another residential or commercial unit and this smoke: (a) drifts in more than once in each of two or more consecutive seven-day periods.
Loma Linda, California (New!)	<i>Amendment to Loma Linda Municipal Code 8.10: Second-hand Smoke Control. June 2008.</i>	SHS declared a public nuisance.

<i>Jurisdiction</i>	<i>Legislation</i>	<i>Comments</i>
Novato, California (New!)	<i>Amendments to Novato Municipal Code: No. 1533 Smoke-Free Air and Health Protection Ordinance April 2008.</i>	SHS exposure in a place of human habitation declared a nuisance.
Dublin, California	<i>Municipal Code Chapter 5.56 Smoking Pollution Control, Section 5.56.160</i>	Second-hand smoke constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate SHS as a nuisance.
Calabasas, California	<i>Municipal Code Chapter 8.12 Second-hand Smoke Control</i>	The City Council declares that exposing other persons to second-hand smoke constitutes a public nuisance and may be remedied as such.
Belmont, California	<i>Ordinance #1032 Regulating Second-hand Smoke and Amending Chapter 20.5 of the Belmont Municipal Code. (2007)</i>	Nonconsensual exposure to second-hand smoke is a nuisance, and the uninvited presence of second-hand smoke on property is a nuisance and a trespass.