
TOBACCO : The Tobacco Control Act — What it's all About

This fact sheet provides basic information only. It must not take the place of medical advice, diagnosis or treatment. Always talk to a healthcare professional about any health concerns you have, and before you make any changes to your diet, lifestyle or treatment.

Ontario's *Tobacco Control Act* sets rules about selling and smoking tobacco. Its purpose is to reduce smoking, especially among young people. It also limits people's exposure to second-hand smoke in public places. There are other municipal, provincial and federal laws on tobacco.

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Tobacco

AGE

You cannot sell or supply tobacco to anyone under 19 years of age (the age under federal law is 18).

It is not illegal for someone under 19 to have tobacco. But the person who sold or gave it to them has broken the law.

IDENTIFICATION

If someone appears to be under 19, you must ask for identification that proves they are 19 or older to sell them tobacco.

The only exception is if you know the person is 19 or over (for example, a family member).

If you sell tobacco, ask for one of these pieces of identification :

- an Ontario driver's licence;
- a Canadian passport;

- a Canadian citizenship card;
- a Canadian Armed Forces ID card;
- a photo card issued by the Liquor Licensing Board of Ontario (LLBO).

If the customer is not from Ontario or Canada, you may accept other identification. It should show a recent photo and be issued by a government authority.

PLACES WHERE TOBACCO CANNOT BE SOLD

Given the health risks associated with tobacco, the law bans tobacco sales in places that provide healthcare. These are :

- public or private hospitals;
- most psychiatric facilities;
- independent health facilities;
- nursing homes;
- homes for the aged;
- homes for special care;
- charitable institutions;
- pharmacies or any place that includes a pharmacy (see below).

The ten provincial psychiatric hospitals are allowed to sell tobacco only in patient canteens and from pushcarts serving in-patient areas of the hospitals.

PHARMACIES

As health facilities, pharmacies are not allowed to sell tobacco. Department stores,

grocery stores or other places that include a pharmacy also cannot sell tobacco.

PACKAGING

The law sets rules for tobacco packaging. These rules will help reduce smoking among youth and alert people to the hazards of smoking.

Cigarettes must be sold in packages of at least 20 cigarettes. It is also illegal to sell single cigarettes and "kiddie" packs have been banned as well.

Tobacco packages must show health warnings and a list of toxins, as required by federal law.

SIGNS FOR TOBACCO SALES

Two signs must be posted anywhere tobacco is sold and displayed.

One sign shows the age restriction and must be easily seen by customers. The other sign concerns age identification and must be displayed twice wherever tobacco is sold. One sign must face the customer and the other should face the person selling tobacco.

There are rules for how these signs should look and where they should be posted. Signs are available from your local public health unit.

VENDING MACHINES

To prevent sales to young people, vending machines that sell or dispense tobacco are illegal as of December 31, 1994.

You cannot keep a vending machine that contains tobacco products even if young people or the public do not have access to it

— such as in a restaurant kitchen or on a factory shop floor. You may keep an empty vending machine if it is not working or the public does not have access to it.

Restrictions on Smoking

To protect children and youth from tobacco smoke, smoking is not allowed in :

- public schools, both inside the building and on school grounds;
- day nurseries, including parts of a private home licensed as a day nursery.

To reduce people's exposure to tobacco smoke, the law restricts smoking in places open to the public. Smoking is not allowed in the following public areas :

- pharmacies;
- financial institutions;
- stores (wherever goods and services are sold or offered for sale);
- video or amusement arcades (excluding establishments with a Liquor Licence);
- self-serve laundries open to the public;
- public transit shelters or stations;
- hairdressing salons and barber shops.

Smoking in private areas, such as staff rooms and storerooms, is restricted under the *Smoking in the Workplace Act*. It may also be restricted by a municipal bylaw.

Smoking is not allowed in the following places, except in designated areas :

- hospitals, psychiatric facilities, nursing homes, homes for special care

- (if also a nursing home) and charitable homes for the aged;
- private vocational schools;
- colleges of applied arts and technology, universities or other institutions of post-secondary education;
- shopping malls.

There can be no designated smoking areas in independent health facilities.

Smoking on the grounds of health facilities is allowed, but only at a distance of at least nine metres from any entrance.

DESIGNATED SMOKING AREAS

The law specifies designated smoking areas.

In health facilities, smoking areas must be enclosed and separated from the rest of the building. Air in the area must exhaust to the outside with a ventilation rate of 30 litres per second per person.

- **Hospitals** may have more than one designated smoking room for in-patients. The room must be set aside specifically for smoking.
- **Psychiatric facilities and drug addiction treatment facilities** may have any number of smoking rooms. If other activities take place in the smoking room, a smoke-free room of at least the same size must also be provided for those activities. For example, if smoking is allowed in a TV room, a smoke-free TV room must be available.
- **Nursing homes, homes for the aged, homes for special care (if also a nursing home) and charitable homes for the aged** may have

designated smoking rooms. If other activities take place in the smoking room, a smoke-free room of at least the same size must also be provided for those activities.

Smoking is allowed in residential homes for special care and charitable institutions (if not an approved charitable home for the aged).

In post-secondary institutions, designated smoking areas are allowed in residences, restaurants (including cafeterias) and places licensed under the *Liquor Licence Act*.

In enclosed shopping malls, designated smoking areas are allowed. In malls with one or more food courts, you can set aside one designated smoking area in each food court of not more than 50 per cent of the seating. In malls without food courts, you can set aside one area for smoking. The space can be no more than 28 square metres and cannot be spread through the mall corridors.

Designated smoking areas must have a sign posted. The symbol is a black circle, at least 10 cm across. It shows a lit cigarette and the words "You may smoke here" or "Vous pouvez fumer ici" in black letters at least 40 pt. in size. A sign required under municipal bylaw may be used instead.

Signs must be posted where they can be easily seen.

"NO SMOKING" SIGNS

Appropriate signs must be posted to alert people to smoking restrictions.

In smoke-free places, the sign must be the international "No Smoking" symbol, at least 10 cm across, or a sign required under municipal bylaw. It should be posted at each

entrance where it can be easily seen by people coming in.

In places where smoking is allowed only in certain areas, the sign must be the international "No Smoking" symbol, at least 10 cm across. It must include the words "No smoking except in designated areas" (or "Défense de fumer sauf dans les endroits autorisés"). The letters must be black, in at least 35 pt. size. Or a sign required under municipal bylaw can be used.

This sign must be placed at each entrance where it can be easily seen by people coming in.

In places where smoking is prohibited in public areas, the sign must be the international "No Smoking" symbol or a sign required by municipal bylaw. It must be placed where it can be easily seen, and not obstructed from anyone's view.

Other Laws

Both municipalities and the federal government also have laws relating to tobacco use. In areas where there is an overlap, the law that most restricts smoking must be followed.

Traditional Use of Tobacco by Aboriginal People

The law makes exceptions for the use and gift of tobacco by aboriginal people for traditional cultural purposes.

Enforcing the Law

INSPECTION

This law is enforced by inspectors appointed by the Minister of Health and Long-Term Care. They are employed by a board of health.

Police also enforce this law.

Inspectors have the power to enter and inspect premises during normal business hours. They should obtain a warrant before entering a place that is also someone's home. They may not use force.

Inspectors can ask to see documents or records. They can take away documents for photocopying. Photocopies can be used as evidence.

Inspectors can open tobacco vending machines if :

1. The machine is working or in a public place; and
2. The owner or operator cannot open or refuses to open the machine; and
3. The inspector has reason to believe there is tobacco in the machine. (For example, the inspector has seen tobacco packages or someone getting tobacco from the machine).

Inspectors may take the money and tobacco out of the machine. Money is given to the Minister of Finance. Tobacco is destroyed.

FINES

The law contains fines and penalties. They vary according to the offence committed and previous convictions.

For example, if you break the law on selling tobacco, you may be fined up to \$4,000 or your corporation may be fined up to \$10,000. Fines for repeat offences are higher, up to \$100,000 for a person and \$150,000 for a corporation.

Two or more convictions for a tobacco sales offence will also result in an automatic prohibition on selling tobacco (see below).

Tobacco sales offences include :

- selling to anyone under 19;
- selling tobacco in packages that do not conform to the Act or regulations;
- failing to post required signs.

If you smoke where smoking is prohibited, you can be fined up to \$1,000 for a first offence and up to \$5,000 for additional offences.

AUTOMATIC PROHIBITION

If you are convicted of two or more tobacco sales offences, you will be subject to an automatic prohibition. This means you cannot sell tobacco products or store them on your premises for six months or more.

You will also have to post signs about the automatic prohibition. These signs are issued by the Ministry of Health and Long-Term Care.

For information about second-hand smoke and how to quit smoking, contact your local public health unit.

Some other excellent sources about tobacco and tips on stopping smoking are :

Ontario Lung Association

Tel : 1-888-566-5864

Web site : www.on.lung.ca

Canadian Cancer Society - Ontario Division

Tel : 1-888-939-3333

Web site : www.cancer.ca

Heart and Stroke Foundation of Ontario

Tel : 1-888-473-4636 (Health Infoline)

Web site : www.heartandstroke.ca

Government of Ontario

For information about health services and resources :

www.health.gov.on.ca

For consumer-friendly health tips and information :

www.HealthyOntario.com

INFOline: 1-877-234-4343;

TTY: 1-800-387-5559

Telehealth Ontario:

1-866-797-0000; TTY 1-866-797-0007

INFOline is open during business hours and can provide general information on healthcare.

Telehealth Ontario is a 24/7 service which uses nurse practitioners to answer your immediate health concerns.